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Criminalization of Undocumented Immigrants — Little Village, Chicago

Abstract

This senior thesis focuses on the criminalization of undocumented immigrants in Little Village, Chicago. This issue is more commonly known as crimmigration, which is a new kind of law that has recently emerged. I explore the ways in which the criminal system and the immigration system have become dependent on each other. My work seeks to bring light to the criminalization issues Little Village faces. By partnering with organizations within the community, I conducted 35 surveys to analyze the data on how undocumented immigrants are treated by the police or by border patrol. I believe that undocumented immigrants in Little Village, Chicago are going to experience more criminalization or mistreatment by border patrol or police. My end goal is to find out how individuals in Little village have been impacted by crimmigration.

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Thesis Title: Criminalization of Undocumented Immigrants — Little Village, Chicago

LAKE FOREST COLLEGE

Senior Thesis

Criminalization of Undocumented Immigrants – Little Village, Chicago

by

Norma Vargas

April 23, 2018

The report of the investigation undertaken as a
Senior Thesis, to carry two courses of credit in
Self-Designed Major

Michael T. Orr
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Carolyn Tuttle, Chairperson

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ABSTRACT

This senior thesis focuses on the criminalization of undocumented immigrants in Little Village, Chicago. This issue is more commonly known as crimmigration, which is a new kind of law that has recently emerged. I explore the ways in which the criminal system and the immigration system have become dependent on each other. My work seeks to bring light to the criminalization issues Little Village faces. By partnering with organizations within the community, I conducted 35 surveys to analyze the data on how undocumented immigrants are treated by the police or by border patrol. I believe that undocumented immigrants in Little Village, Chicago are going to experience more criminalization or mistreatment by border patrol or police. My end goal is to find out how individuals in Little village have been impacted by crimmigration.

DEDICATION

For my family, who have shown me their everlasting support in all of my academic endeavors.

Los amo.

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Chapter 1: Introduction

Crimmigration is a type of law that has recently gained attention in the United States. Crimmigration is the partnership between federal and local law. In this thesis, I will discuss the ways in which immigration law and criminal justice have shifted closer together to form crimmigration. Immigration law is not criminal law, it is civil law. Therefore, to avoid this confusion, crimmigration came to be. Crimmigration allows for the United States to notice undocumented immigrants that are being criminalized due to their citizenship status in the country.

Prior to the 1990s the United States used the “catch and release” method that simply allowed Border Patrol to release any undocumented immigrant caught crossing the border to appear in court at a later date. This practice kept many undocumented immigrants from being held in detention centers awaiting their court dates (Margerum, 4). On the other hand, after the implementation of Operation Streamline is eventually expanded to parts of five additional Border Patrol sectors along the US-Mexico border.” This allowed for Border Patrol to detain families, place them in different detention centers and make them wait for their court days in the detention centers, separated from their families (Migration Policy Institute, 2013, 7). This process initiated a more intense criminalization of immigrants crossing the border. Before Operation Streamline was created, Border Patrol officials were more likely to return first-time unauthorized immigrants to their home countries or “catch and release” them. Operation Streamline's zero-tolerance policy encouraged officials within districts implementing the program to meet their quotas of referring unauthorized persons to criminal prosecution. This created a climate where non citizens do not have a fair trial.

In Chapter 2 of this senior thesis, I will be analyzing crimmigration and the major contributors to this new field in law. Chapter 2 will also highlight crimmigration and laws, September 11, 2001 and terrorism, how immigrants become criminals and criminality and immigrants. These sections are essential to understand the history of laws that have impacted the criminalization of undocumented immigrants in the United States. Although laws have also contributed to the criminalization of undocumented immigrants, the terrorists attacks of September 11, 2001 brought a turn of events in the United States that influenced major changes in the federal government. These changes created the Department of Homeland Security (DHS), which houses US Customs and Border Protection (CBP), US Immigration and Customs Enforcement (ICE), and US Citizenship and Immigration Services (USCIS).

Chapter three discusses the data collection and methodology. I elaborate on the responses for the demographic portion of the survey and begin analyzing responses with a bar graph and pie charts that show time spent living in the U.S. and citizenship status. Chapter 4 goes in depth about the case study I conducted in Little Village, Chicago. In this chapter, I analyze the last four questions of the survey. The last four questions asked for more elaboration on the participants interactions with police or border patrol. This chapter also provides a series of tables and shows the elaborate responses that did not fall in the simple “yes,” “no,” “I do not know,” “sometimes” and no answer responses. Although I did not see the results I expected, there are many factors that impacted the results, which I highlight.

Chapter 2: Crimmigration

Immigration and Criminal Justice are known to make up two different types of law in American society. Crimmigration is a term that was dubbed by Juliet Stumpf. Stumpf is the Robert E. Jones Professor of Advocacy and Ethics at Lewis & Clark Law School. As a scholar of crimmigration law, the intersection of immigration and criminal law, her current research seeks to bring to light the study of immigration law and criminal law, bringing immigration and criminal justice together. In order to understand the connection between immigration and crime, one must know the meaning of “crimmigration.” Crimmigration explains the merge between immigration and criminal justice. According to a Denver University Law Review by César Cuauhtémoc García Hernández, “in 2006, Juliet Stumpf took an enormous intellectual leap. Two areas of law, she realized, had wrapped themselves so tightly, that it was hard to know where one ended and the other began” (2015, 697). Stumpf had finally done what no other scholar had done before. She noticed immigration and criminal justice had become so closely intertwined that it was necessary to have its own name and field in law. Crimmigration “is a product of human experience, a testament to the United States’ greatest moments and its most visceral fears. The nation’s well-earned self-image of welcoming migrants has been dotted by consistent efforts to demonize those same migrants through the power of criminal law” (Hernández, 2015, 698). In order to control the flow of migrants, the criminal justice system has found its way into the lives of those who were once welcome and are now suffering, due to the ways in which immigrants are tried and detained.

Crimmigration is the idea that, in order to control immigration, there must be a reliance upon the criminal justice system. Controlling immigration means that the federal government becomes involved with local authorities, requiring them to work closely together and report any

immigration cases they may have knowledge of. Making it easier for immigration authorities to capture and criminalize immigrants (Stumpf, 2008). Stumpf, along with Hernández, established that there is a convergence of both sides. This simply means that immigration authorities and local police are working closely together to create what is known as crimmigration, detaining immigrants throughout the United States and treating them as criminals. Hernández goes even further to explain that crimmigration law holds several important emblems. The emblems consist of abandoning noncitizen as contributing members to society, but rather, crimmigration's main goal is to make immigrants become non-citizens who are "Americans in waiting," as they are being prosecuted and held in detention centers for crimes that should not be so harshly punished, and in many cases, they did not even commit. Instead, immigrants are deemed as criminal deviants and security risks; therefore, adopting the name of "Americans in waiting." They are labeled as Americans, since many of them are from North America or Central America. Many of these individuals are already contributing to society. Immigrants have to wait for trial days in the detention centers. Some immigrants wait for trial days for crossing the border without proper entry and some of them for crimes they are being falsely accused of (Hernández, 2013, 1).

Since Stumpf's first research analysis of crimmigration, there have been several scholars that have chosen to analyze this growing phenomena within the United States. These scholars are César Cuauhtémoc García Hernández, Yolanda Vazquez, and Ingrid V Eagly. In her article, Yolanda Vazquez states, "immigration and criminal law have increasingly become intertwined" (2011, 641). The primary vehicle for accomplishing disguised discrimination is the incorporation of immigration law to the local criminal justice system. This allows local authorities to detain immigrants and then report them to immigration officials. The criminal justice system has become the primary means to locate, remove, and permanently banish immigrants from the

United States (Vazquez, 2011, 642). This closeness between federal and local government is justified through the Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA). This act established that local police have the ability to act as Customs and Border Protection Agents, giving them the power to question individuals for their legal documentation. If an individual does not have legal documentation they are then supposed to report that to the United States Immigrations and Customs Enforcement (ICE). This law encouraged local police presence in neighborhoods and made immigrants all over the United States paranoid, since they did not feel comfortable driving their vehicles or simply being outside for the fear of being stopped and reported to ICE (Migration Policy Institute, 2013, 7). This law has a negative impact on communities with a substantial number of individuals who are immigrants, since it discourages them from feeling comfortable going down the block to their local grocery store for fear of being stopped, or simply co-existing with the cities in which they live in the United States. Section 287(g) makes it difficult for undocumented immigrants to go about their daily lives in a peaceful manner, preventing them from being able to drive to jobs and living in constant fear of being detained and deportation. This does not allow them to assimilate to the rest of society, since they have to live in fear of being treated differently. Due to their immigration status, they may fear interacting with local law enforcement. Another major obstacle that undocumented immigrants face is access to public transportation in cities. If an individual is not able to get to work, they do not have money, as a result of this, they do not have money for public transportation. It becomes a vicious cycle when there is no way of obtaining money and there is no way of getting to work to obtain the money necessary. This then becomes another

challenge the undocumented immigrant has to overcome, due to the fact that, they fear being stopped in a vehicle that could easily take them to and from work, risking deportation.

The government has enacted laws and policies that aim to target those non citizens who pose the greatest threat to public safety or national security. Those non citizens are defined as “criminal aliens.” “Criminal aliens” include those that have entered the country without inspection, referred to as “immigration violators” and “illegal immigrants” many of whom are prosecuted in courts. Vazquez states, “the enactment of laws, formation of policies and procedures to assist in their expulsion, and prioritization of removal has contributed to the construction of the system we now know as “crimmigration” (2017, 115). Overall, Vazquez discusses the names necessary to understand the different layers of crimmigration in order to keep immigrants in detention centers while not giving them fair opportunities to progress. Ingrid V Eagley agrees that the association between criminality and immigration has become one of the most significant historical shifts in the federal immigration system. Immigration enforcement is now deeply intertwined with the local enforcement of criminal law (2013).

Migration enforcement in the criminal justice system seeks undocumented individuals that live in low income communities as well as Minutemen. Vazquez (2017) discusses how the majority of those impacted by the criminal justice system are poor. The criminal justice system operates as though there were two systems, one for white wealthy individuals and one for non whites who are poor. For this reason, the poor individuals who are affected, go to prisons with higher sentences as opposed to the individuals who are wealthy. Vasquez states, “In the fiscal year 2009, Latinos accounted for approximately 94% of the total number of removals as well as the total number of non citizens removed for criminal violations” (2011, 666). It is clear that there are a substantial number of deportations among the Latino community. She also says,

“Over 80% of the individuals prosecuted are poor. Therefore, the largest group of individuals affected by removal from the United States based on criminal convictions is poor Latino immigrants (Vasquez, 2011, 666). This has to do with the fact that white individuals have a better chance at a shorter sentences. It is typically thought that white individuals are not as likely to commit crimes in comparison to poor individuals of color. Additionally, wealthy white individuals are also able to afford private lawyers. This means that they will have better representation in court and are more likely to obtain a shorter sentence. According to the United States Sentencing Commission, for the fiscal year of 2016 there were 14 cases out of the 63 cases that involved white individuals. In that same year, there were 33 cases out of the 63 cases that involved Latino individuals. This shows the clear contrast between immigration cases where the white individuals do not get sentenced at the same rate Latinos do. White individuals get sentenced at half the rate Latino individuals do (United States Sentencing Commission, 2016). In *United States v. Booker* in 2005 judges were given more discretion in sentencing. The court decided that federal courts had the ability to set any sentence as long as they explain their reasoning behind their decision. The *Gall v. United States* in 2007 judges were also given more discretion in sentencing and further reinforced the decision made in the *Booker* case. These cases open the door to racial bias, since judges are able to reason longer sentences using the crime the individual committed. The individuals race might also influence the amount of time the sentence will be. Due to societal norms, the odds are going to be against a poor individual of color. Those under the direct control of the criminal justice system are poor men of color. “Since the majority of those impacted by the criminal justice system are poor, many of these individuals will return to poor communities already suffering from lack of employment opportunities, affordable and decent housing, social welfare safety nets, student loans, food stamps, treatment and health

programs, and social support” (Vazquez, 2017, 1110). This leads into a cycle where poor individuals of color are not able to progress and are continuously finding themselves stuck in the same communities with very little resources. For poor individuals, there is a vicious cycle with the incarceration rate due to the fact that two-thirds of those individuals will return to prison within three years of release (Vazquez, 2017). Recidivism occurs when an individual's chances of survival are higher in prison than they are in the real world. For example, according to the United States Sentencing Commission, in 2016 “eight years after release into the community, Black offenders had been arrested at the highest rates (59.1%), followed by Other Race (49.4%), Hispanic (49.1%), and White (41.7%) offenders” (Hunt & Dumville, 2016, 24). It is evident that it is more difficult for individuals of color to stay out of prison after they have committed an offense and been released. Vazquez highlights the impact that the incorporation of migration enforcement has had on the criminal justice system and the way in which it has exacerbated pre-existing problems within it (2017). As a result of this, they automatically go into the cycle where they repeatedly go back to jail due to a lack of resources and the ability to move forward. Although migration enforcement should not be a part of local police, it is evident that it has a major influence when it comes to stopping individuals of color. Migration enforcement in local police is allowed to report to ICE, making it easier for ICE to detain and deport undocumented immigrants.

Crimmigration and Laws

This thesis will discuss laws beginning in the early 1990s. The 1990s were a critical time in which immigration started to shift. Legislation began to enforce more strict regulations when acknowledging immigration in the United States, see Table 1. Throughout U.S. history there have been laws that have impacted immigration by making it more difficult for immigrants to

assimilate to the country. The first law that established a change in the treatment of immigrants was *Proposition 187* in 1994. *Proposition 187* allowed for the California government to deny any individual public benefits if they suspected them to be an immigrant. For example, they could be denied education, social services, health, and public aid services (Welch, 2003). In order for *Proposition 187* to properly function and continue to carry out its purpose, the *Personal Responsibility and Work Opportunity Reconciliation Act of 1996* was created two years later. This Act allowed for the government to “amend laws governing immigrant eligibility for public benefits, precluding most lawfully residing immigrants from qualifying for Medicaid, the Children’s Health Insurance Program (CHIP), Temporary Assistance for Needy Families (TANF), food stamps, and Supplemental Security Income (SSI), for five years” (Migration Policy Institute, 2013, 2). Even if an immigrant became a resident, they were still not receiving the same benefits as a lawfully residing individual in the United States. This hindered them from obtaining basic benefits for their families, regardless of whether their children were United States citizens or not. This was a setback for newly lawfully residing immigrants, since they did not obtain the rights of a citizen until five years later. This could be problematic being that it would force many non citizens to find other means of obtaining essential resources. For example, they could end up stealing to buy food, selling drugs, or simply living in poverty because they need to find a way to make ends meet. Also in 1994, *Operation Gatekeeper* was the first major step towards the militarization of the U.S. - Mexico border.

Table 1. Immigration Laws By Year

| Year | Law |
|-------------|--|
| 1994 | <ul style="list-style-type: none"> → <i>Proposition 187</i> → <i>Operation Gatekeeper</i> |
| 1996 | <ul style="list-style-type: none"> → <i>Illegal Immigration Reform and Immigrant Responsibility Act</i> → <i>Immigration and Naturalization Services (INS)</i> → <i>Personal Responsibility and Work Opportunity Reconciliation Act</i> |
| 1997 | <ul style="list-style-type: none"> → <i>Basic Pilot Program</i> |
| 1999 | <ul style="list-style-type: none"> → <i>Convention Against Torture (CAT)</i> |
| 2001 | <ul style="list-style-type: none"> → <i>The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act)</i> → <i>Transportation Security Administration (TSA)</i> → <i>Homeland Security Act (116 Stat. 2135)</i> |
| 2002 | <ul style="list-style-type: none"> → <i>Enhanced Homeland Border Security and Visa Entry Reform Act (EBSVERA) (116 Stat. 543)</i> |

| | |
|-------------|---|
| 2003 | → Department of Homeland Security (DHS) |
| 2005 | → The <i>REAL ID Act</i> (119 Stat. 302) → <i>Secure Border Initiative</i> |
| 2008 | → Integrated Automated Fingerprint Identification System (IAFIS) |
| 2011 | → <i>Deferred Action for Childhood Arrivals (DACA)</i> |
| 2017 | → <i>Illinois Trust Act</i> |

Source: Migration Policy Institute, 2013,2

Nineteen ninety six marked an important year for laws on Crimmigration. The *Illegal Immigration Reform and Immigrant Responsibility Act of 1996* was passed. This act was the first major law that “expands the aggravated felonies reform, reforms expedited removal procedures, and reduces the scope of judicial review of immigration decisions” (Migration Policy Institute, 2013, 1). Additionally, it established the Immigration and Naturalization Service's (INS) which was the largest law enforcement agency. This statute granted the INS the ability to seek out and deport any individual that they deemed to be undocumented. It removed due process by allowing courts to simply try cases without a hearing, handing over the power to the INS. Once this occurred, the INS did not require immigration judges, since it “issued the INS unparalleled powers and limited judicial review of deportation and detention decisions made by immigration judges” (Welch, 2003, 320). The *Illegal Immigration Reform and Immigrant Responsibility Act* created loopholes for the federal government in the court system when trying immigration cases.

As a result of not having a Fifth Amendment right to due process, non citizens were unable to obtain a fair trial in court. In the long run, many non citizens were taken to detention facilities without having the ability to have a lawyer speak for them in front of a judge. In another instance, their lawyers may have also not advised them properly causing the individual to not understand their situation and as a result pleaded guilty, leading to deportation. For example, in the case of *Chaidez v. United States*, Roselva Chaidez was charged with mail fraud, which is considered a felony. As an undocumented individual living in the United States, Chaidez was not advised by her lawyer that if she pleaded guilty she could face deportation. Chaidez was not given her Sixth Amendment right to have the proper counsel in court. The final decision was that the Sixth Amendment provides for adequate assistance of counsel, but does not extend to advice regarding possible consequences, such as deportation (*Chaidez v United States*). In the case of *Padilla v Kentucky* Jose Padilla was charged with possession of marijuana, possession of drug paraphernalia, and operating a tractor/trailer without weight and distance tax number. He pleaded guilty to the charges of marijuana. Much like Chaidez, Padilla was not given his Sixth Amendment right and was misadvised about the potential of deportation for his guilty plea (*Padilla v Kentucky*). In these cases, both Chaidez and Padilla were charged with felony offenses, but were not advised properly by their lawyers. This led them to pleading guilty and being subject to deportation. As a result, their trials were not fair due to the poor advising of their lawyers before appearing in court.

In 1997 the *Basic Pilot Program* was enacted. Although the program is voluntary, this program was created as a way for employers to check whether newly hired employees are authorized to work in the United States. Under the initial version of the program, employers follow a two-step process to confirm that new employees are authorized to work. First,

employers call the Social Security Administration (SSA) to verify that the social security number an employee has provided is a valid number that has been issued to that individual. Second, employers enter their new employee's biographical information into a computer database, and submit it to the INS, which verifies that new employees hold lawful immigration status. The Basic Pilot Program eventually became the E-Verify program, which allows employers to electronically confirm that new employees are authorized to work. Today, more than 353,000 employers have enrolled in E-Verify (Migration Policy Institute, 2013, 4). This program is used as a means to keep immigrants from obtaining fake social security numbers as well as keeping them from securing high paying jobs. Being present in higher paying jobs means that immigrants are able to obtain a higher income, which would give them the ability and autonomy to move out of low income neighborhoods. Obtaining higher skills also means that they are able to communicate better, which opens more opportunities at their jobs. Although the program is voluntary, there has been discussion of making it mandatory. Therefore, all work environments would have to enroll in E-Verify. Essentially, better jobs will allow immigrants to move from lower paying jobs that require little to no skill, to jobs that are higher skill.

In 1999 "the INS adopted regulations codifying the United States' international law obligations under the Convention Against Torture (CAT). The regulations prohibit the United States from returning an individual to his or her country of origin if the person demonstrates that it is more likely than not that he or she would be tortured upon return" (Migration Policy Institute, 2013, 4). CAT was a step forward in immigration law, since it allowed for immigrants from different countries to seek a form of asylum in the United States if they are directly being threatened in their home countries. The United Nations High Commissioner for Refugees Office states, "the Convention Against Torture differs from protection under asylum and withholding of

removal laws in three ways: 1) there are no exceptions to protection under Article 3, if the person meets the standard; for example, protection is still available to persons convicted of “aggravated felonies”; 2) the torture does not have to be “on account of” race, religion, nationality, membership in a political social group, or political opinion; and, 3) a public official, or person acting in an official capacity, must either inflict the harm, or consent, or acquiesce to the harm's occurrence” (United Nations High Commissioner for Refugees, 1, 2003). Therefore, the CAT is an ethical way to welcoming immigrants who may be living in life threatening conditions back home. Although there are still many obstacles placed upon those trying to come into the United States through CAT; there is still a form of acceptance for Asylees in the United States. Asylees are looked at differently than Mexican immigrants due to the fact that many immigrants do not enter the country with the necessary legal documentation. This immediately changes the way they are seen. Society labels them as criminals for coming into the country without the proper documentation. On the other hand, Asylees go through a process in which they have to be approved. This diminishes the idea that they are breaking the law by being present in the country. Asylees can obtain work authorization cards and social security numbers, making them assimilate into United States society more easily.

Two thousand and twelve marked a year in which the federal government sought to protect immigrants through *Deferred Action for Childhood Arrivals (DACA)*. The Obama administration announced the *Deferred Action for Childhood Arrivals* initiative, which allows certain unauthorized immigrants who arrived in the United States before the age of 16 to apply for a work permit and two-year protection against deportation (Gonzalez-Barrera, 2014). There was a sudden change in the way some immigrants were viewed. The United States became more welcoming to these individuals based on the ideal immigrant narrative. In order for an immigrant

to be worthy in American society, they must contribute to the economy, otherwise, they are simply living in the United States without a purpose. Although all immigrants pay taxes and already contribute to the economy they are still thought to be living off of citizen's tax money. There is a certain amount of empathy that came from the Obama administration, since those who qualified for DACA were brought to the United States at a young age. This was out of their control, so they should not be penalized for being undocumented.

Throughout Obama's presidency, however, thousands of immigrants were deported. According to Pew Research Center, in 2012, Obama deported 419,394 immigrants (Gonzalez-Barrera, 2014). Despite approving Deferred Action for Childhood Arrivals (DACA), the Obama administration was against undocumented immigrants. They showed that there was a significant number of immigrants being separated from their families and sent back to the countries they migrated from. Ultimately, the reasoning behind passing DACA was the fact that the majority of the individuals who are protected under it did not ask to be brought into the United States. They were too young to make that decision and as a result they should not be punished for it. Through DACA, the Obama administration saw an easy way of capitalizing off of thousands of immigrants who had been living in the United States the majority of their lives. They have to pay high fees for lawyers and renewal fees. Making the individuals that qualify for DACA pay a high number of fees. Sometimes, many of them cannot afford these fees. Individuals who apply for DACA are known as "DREAMERS" because it is an acronym for the Development, Relief, and Education for Alien Minors Act. The "DREAMERS" under DACA are able to obtain a social security number and a temporary work permit. This makes them eligible for jobs in which they can work at a desk, in front of a computer, rather than working in a restaurant, factory job, or any other small business. Ultimately, DACA gives "DREAMERS" the ability to succeed in

American society for a limited period of time and only if they can afford to pay for their renewal fees. As of September 2017, about 800,000 individuals have been granted protection under DACA” (USCIS). DACA allowed for immigrant childhood arrivals to obtain a social security number for work, allowing them to attend college and earn a living. As an individual that comes from a family with several DACA recipients, DACA has made a significant difference in my family member’s lives. It has allowed them to attend post-secondary education and work at the same time. DACA has made living in the United States a lot more secure than it would have been without the proper documentation. The most recent immigration law in Illinois is the *Illinois Trust Act* of 2017, which “seeks to protect and build trust between law enforcement agencies and immigrant communities by limiting local police involvement in federal immigration enforcement. The Illinois Trust Act seeks to set reasonable constitutional limits on local police interactions with ICE enforcement, and foster trust between police and immigrant community” (Illinois Coalition for Immigrant and Refugee Rights, 2017, 1). Essentially, Illinois becomes a sanctuary state where ICE would need warrants in order to detain an individual. This law refutes 287(g) and seeks to gain trust between local law enforcement and immigrant communities. Obtaining trust from local law enforcement is of utmost importance as it helps immigrants feel better about driving their vehicle to work, walking down their neighborhood streets, and enjoying life in their communities. Being trustworthy of local police also allows them to report crimes that they would have not reported had they been scared of putting their immigration status at risk.

Operation Gatekeeper in 1994, as mentioned earlier, had a substantial influence towards the militarization of the U.S. - Mexico border. In this context, militarization refers to the idea that “everyday militarization” describes the ways in which “ordinary people” along the US-Mexico

border accept the beliefs of militarization in such a way that allows the state to enable border patrol to be present more aggressively in comparison to local police (Robert, 2012, 49). The increased militarization meant an increase of border patrol agents as part of an effort to deter migrants before they crossed boundary lines as opposed to detaining them after they had already crossed the border (Michalowski, 2007, 64). According to CBP, in 2017 they staffed a total of 19,437 Border Patrol agents (Customs and Border Protection, 2017). This type of militarization allowed for the border patrol to introduce military tactics such as “strategy, technology, equipment, and forces” some of which include helicopters, guns, the wall, agents, and lights along the border (Robert, 2012, 50). This was the first step in normalizing the militarization of the border, which later influenced the formation of the Minuteman. The Minuteman is a group that militarized the United States-Mexico border after DHS initiated and encouraged militarization along the border. They want to keep undocumented immigrants from entering the United States by using guns and violence. According to Ybarra, “the Minuteman Project is an open-call for persons who feel that our nation is being devoured and plundered by the menace of tens of millions of invading illegal aliens.” The Minutemen Project is serving as a rallying point for the supremacist community (Ybarra, 2007, 401). It allows for supremacist individuals to come together and monitor the border to keep undocumented immigrants out of the United States.

The U.S. Border Patrol's Operation Gatekeeper, has contributed to the deaths of more than 412 migrants in 2017. These individuals have died mostly from environmental causes such as hypothermia, heat stroke, and drowning (International Organization for Migration, 2018). Not only is it tragic that migrants face deaths like these, but these deaths are the direct result of the philosophy of "control through deterrence" embodied in Operation Gatekeeper. By closing off

traditional corridors of entrance used by undocumented migrants, Operation Gatekeeper has pushed migrants into far more treacherous areas (Hing, 2001, 124). Not allowing migrants to enter through traditional corridors has contributed to the deaths of innocent lives looking to begin a better life in the United States “the land of opportunity.” Although Minuteman may argue they were trying to keep the United States safe, they unethically managed to contribute towards the killing many immigrants crossing the border by blocking the areas that are safer to cross through.

In 2005 the DHS launches the *Secure Border Initiative*, a plan to assist the Border Patrol in attaining “operational control” of the border through the construction of fencing and the deployment of additional agents and new technology along the border. One component of the Secure Border Initiative is SBInet, which is intended to create a “virtual fence” through interconnected cameras, ground sensors, and radar. Eventually, DHS abandoned the SBInet program in 2011, after a series of reports from the Government Accountability Office (GAO) that highlighted design flaws and program deficiencies (Migration Policy Institute, 2013). While there is no specific example of what the design flaws are the GAO says that they had fallen behind on its planned schedule due to the challenges they faced. In addition, they said that “SBInet would have fewer capabilities than initially planned” (GAO, 2010).

Migrants Become Criminals

Although there are a number of scholars who have written on crimmigration and the laws that deter non citizens success in the United States. One of the events attempting to merge the “immigration-crime connection include the 1994 passage (and later repeal) of *Proposition 187* in California, requiring among other things immigration status checks for individuals in police custody” (Green, 2016, 507). It passed due to the fact that California leaders wanted to know how many immigrants were in the state and wanted to know the financial burden of educating

and providing social services for the undocumented. *Proposition 187* was one of the first actions supported by anti-immigration leaders in California. The main goal was to merge both the criminal justice system and immigration together. They believe in order to live in the United States, and enjoy the privileges of citizenship everyone should wait their turn and come into the country legally.

The PATRIOT Act, “passed in the wake of the September 11, 2001 terrorist attacks, gave the attorney general broad powers over immigrant residency, effectively legitimizing indefinite detention for any foreign national labeled a “terrorist” under a broad definition with little legal review” (Green, 2016, 508). The definition of a terrorist attack is: "the threatened or actual use of illegal force and violence by a non-state actor to attain a political, economic, religious, or social goal through fear, coercion, or intimidation." According to Our World in Data, terrorism related incidents have significantly gone up from 2001 to 2016 from 1, 907 to 16, 860. Overall, how terrorism is perceived has changed significantly since the 9/11 attacks such that any foreigner can be placed under this label, including immigrants. The PATRIOT Act allowed pro-crimmigration individuals to instill terror among the immigrant community, making them seem unlikable, and associated with crime (Marguelies, 2002, 482). For example, “the USAPA imposes on the immigrant the burden of proving that he did not know and should not reasonably have known that his actions would support terrorist acts.” Leaving the immigrant in a position in which they could be accused of being a terrorist, since in many instances they might not even be aware that such a law exists (Marguelies, 2002, 482).

To date, there is a dearth of pro crimmigration scholarly articles. Green, discusses the Trump Hypothesis in order to analyze its validity. The Trump Hypothesis tries to answer the question of whether immigrants, documented or undocumented, are disproportionately more

likely to commit crime than the native population. While Vazquez (2017), Mears (2002), Spenchuk (2013), and Stumpf (2008) support the fact that the native population commits more crimes than immigrants, the Trump Hypothesis establishes “that immigrants are either entering the country already as criminals or they are highly criminally prone” (Green 2016, 508). The Trump Hypothesis is “a blank assertion of a national phenomenon,” since there is no valid evidence which states immigrants are more prone to criminal actions in comparison to natural-born individuals. This thesis argues that the Trump Hypothesis is invalid, it is based on stereotypes and prejudice rather than fact.

The Department of Homeland Security is a part of government meant to protect the United States of America from any threat. The DHS mission states, “to secure the nation from the many threats we face . . . our duties are wide-ranging, and our goal is clear - keeping America safe” (Department of Homeland Security). The DHS partners with ICE, which are organization that criminalize immigrants by detaining them in order to keep them out of the country, regardless of their criminal background. The DHS contributes to the pro crimmigration of undocumented immigrants by enforcing laws that have been implemented due to racist ideology and myths. Prior to the DHS’ existence the INS was the major immigration services agency, but it has gradually faded into the DHS. There are laws that exist as evidence that there is an anti-immigrant sentiment with followers gathering in altright websites and groups such as Minuteman. For example, Breitbart News, an altright news headed by the ex-Chief Strategist of President Trump, Stephen Bannon, states that, “for the hundreds of thousands of illegal aliens who have been found, caught, tried, and convicted, there are hundreds of thousands more illegal alien offenders on the loose who have never been successfully identified or convicted. This latter point is also important because it is the policy of the administration and Sanctuary Cities to free

criminal aliens if convictions aren't obtained—giving them ample opportunity to continue their crime spree. Of course, tens of thousands with convictions are freed as well” (Hahn, 2015). This alt-right news source directly accuses sanctuary cities for freeing criminal immigrants. In reality, sanctuary cities are present in the United States to keep undocumented immigrants from being treated unfairly. They encourage undocumented immigrants to report crimes that may occur to them or they may witness without being penalized for being undocumented. By blaming sanctuary cities of simply “freeing criminal aliens of convictions” they are stating that sanctuary cities do not matter in aiding immigrants’ safety. Instead, they are worried about the safety of United States citizens. Overall, the Breitbart News source is against immigration reform and sanctuary cities. They believe immigrants are individuals who commit “crime sprees.” The Kate Steinle case in San Francisco initiated a debate about public opinion and state legislatures regarding sanctuary cities. This was the case of Kate who was walking on a pier with her father and José Inez García Zárate, an undocumented individual from Mexico. Zárate had allegedly found a gun under a bench after having taken sleeping pills that he found in a trash can. He said that he had pointed the gun at a sea lion and was trying to shoot it. The bullet ended up hitting Steinle in the back. She was pronounced dead two hours after she was shot by Zárate. Being that Zárate was deported five times and was convicted of seven felonies, many individuals believed that he should have been deported even before he shot and killed Kate. Critics of sanctuary cities blamed San Francisco's sanctuary provisions as primarily responsible, since they allowed Mr. Lopez-Sanchez to remain on the streets despite having been previously deported five times (Bahatt, 2016, 154). The media coverage allowed for this story to be seen nationwide. This had a negative effect on the way undocumented immigrants were perceived, since more individuals are likely to associate undocumented immigrants with Zárate. Although undocumented

immigrants like Zárate commit crimes there are more United States citizens that commit crimes than undocumented immigrants.

The Federation For American Immigration Reform (FAIRUS) provides “examples of serious crimes by illegal aliens.” They tell the story of Ronald Da Silva, who “on April 27, 2002, was standing with a friend in his driveway when he was shot and killed by an illegal alien who had been previously deported. The illegal alien was sentenced to 21 years in prison but will be released in 2020” (FAIRUS). Since the tragedy occurred Ronald’s mother has been on the front line pushing for immigration reform. It is evident that organizations like FAIRUS push to strengthen America’s xenophobia. FAIRUS makes undocumented immigrants seem like the main source of crime within the United States. They highlight the stories that are likely to create fear and then label all immigrants as criminals.

When an immigrant comes to the United States there is the idea of the “initial sin,” which means that, by having come into the country without proper governmental permission, an undocumented citizen is already considered a criminal. John Hagan, Ron Levi, and Ronit Dinovitzer help establish the idea of the “initial sin,” which says when an immigrant is found of having committed a crime, they have not committed one crime, but rather two. The simple fact that they came into the country “illegally” automatically makes them criminals according to the law (Hagan, Levi, and Dinovitzer, 2008). Their point is that “immigrants are always viewed as being intrinsically delinquent by virtue of their displaced status - and this delinquency is compounded when a legal infraction is committed” (Hagan, Levi, and Dinovitzer, 2008, 97). The idea of “initial sin” is important to consider in the case study I will be conducting because it makes immigrants criminals.

Hagan, Levi, and Dinovitzer (2008) also conduct a study on youth delinquency by generational status and ethnic origin. Their study finds that engaging in criminal activities increases as generation increases. Meaning that, foreign born youth are less likely to engage in criminal acts as opposed to second generation youth. Therefore, this study support the claim that immigrants do not actually engage in criminal acts as much as native born individuals do. Supporting the idea that “immigrants are criminals” (Hagan, Levi, and Dinovitzer, 2008). Another example of this is the incarceration rate of men between the ages of 18-39 based on nativity, between the years of 1980 - 2010. In 1980 there were 1.4% natural born and 0.4% foreign born, in 1990 there were 2.2% natural born and 1.1% foreign born, in 2000 there were 3.5% natural born and 0.7% foreign born, in 2010 there were 3.3% natural born and 1.6% foreign born incarcerated in the United States (Immigration Policy Center). This shows that that natural born citizens are more likely commit a crime that would lead them to incarceration.

The Minuteman is another major group in the United States that has helped instill anti-immigrant fear along the United States-Mexico border. The Minuteman group was formed in August 2004 by Jim Gilchrist and Chris Simcox to help the United States Border Patrol capture “illegal” immigrants. They believed the Border Patrol was not doing a good job capturing immigrants, so they would see border crossers and then report them back to the Border Patrol. Many of the volunteers that were part of the Minutemen are ex-military; therefore, they came equipped with military fatigues, binoculars, bulletproof vests, aircraft, walkie-talkies, even guns, since it is legal to carry firearms in Arizona. The majority of members are white and against immigration reform in the United States. In 2004, although the project did not last very long, it became well known due to the fact that it was considered a “media circus,” since they received more coverage than expected and were surrounded by news reporters as well as cameras. This

media attention caused the United States to become familiar with the Minuteman group.

Although the Minutemen had thousands of members in the early 2000s they are now divided (Chavez, 2006, 2). This group was created to help the criminal justice system become closely tied to the immigration system. They help the portrayal of immigrants criminals.

September 11, 2001 and Terrorism

After September 11, 2001 the federal government granted even greater expansive powers in dealing with immigrants and those suspected of criminal activities, particularly terrorism (Welch, 2003, 322). Two thousand and one was a groundbreaking year for immigration, since it established a negative mindset towards foreigners in the United States. This allowed for the creation of various sectors in the crimmigration system. The *Homeland Security Act* (116 Stat. 2135) “created the Department of Homeland Security (DHS). In 2003, nearly all of the functions of INS were transferred to DHS and restructured to become three new agencies: US Customs and Border Protection (CBP), US Immigration and Customs Enforcement (ICE), and US Citizenship and Immigration Services (USCIS) (Perez, 2001, 45). In 2001, “the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act* (115 Stat. 272) broadened the terrorism-related grounds of inadmissibility and deportability for non citizens and calls for implementation of foreign students monitoring program” (Migration Policy Institute, 2013, 4). The USA PATRIOT Act “sparked heated debate and a wave of litigation over the extent to which the government can limit individual freedoms in the name of national security” (Whitaker, 2007, 1018). This debate encouraged other countries to pass similar legislation to the USA PATRIOT Act that influence the anti-terrorism environment. Great Britain, Australia, Canada, France, Germany and Japan enacted their own laws that provided arguments about the proper balance the protection of human rights and the need for

security (Whitaker, 2007, 1018). Not only did it cause anti immigrant and refugee sentiment in the United States, but the USA PATRIOT Act had an international impact. Within the United States, the implementation of the Transportation Security Administration (TSA) was present in airports throughout the United States making it stressful for individuals to board planes and travel. The USA PATRIOT Act increased fear that created even more tension between immigrants and the federal government. It developed a system that would more closely monitor immigrants and refugees coming into the country by categorizing them as potential security risks. The Executive Office of Immigration Review (EOIR) which has jurisdiction over the immigration courts, is left within the Department of Justice (DOJ)” (Migration Policy Institute, 2013, 5). The USCIS inherited the service responsibilities of the INS, while ICE and CBP are proactive immigration-enforcing entities (Perez, 2001, 45). The creation of these new agencies made gaining one's citizenship more challenging, and increased the fear of being detained and deported for undocumented citizens.

In 2002 the CBP decided they needed a system to keep track of immigrants coming into the country. Through the *Enhanced Homeland Border Security and Visa Entry Reform Act* (EBSVERA) (116 Stat. 543) they developed an electronic database to keep track of non citizens inadmissibility and removability. This required the implementation of an entry-exit data system (Migration Policy Institute, 2013, 5). Since the DHS was initiated, they depersonalized all participants by giving each a number instead of organizing them by name. Giving individuals numbers can make organization easier because many immigrants travel without proper identification and use aliases to hide their identity. Numbering individuals is a common practice in prison systems and is used here as a tactic to strip these immigrants of their identity and treat them like criminals. The act also provides the government an accurate count of immigrants

entering the United States. These statistics are often mislabeled and contribute to the criminalization of immigrants, even though most undocumented immigrants are not criminals and because one can not be charged as a criminal for immigration, because improper immigration is a civil offense. Despite popular media, these people do not deserve to be treated like criminals and deserve the same respect of all humans.

One of the most important laws in the United States is the Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act, which establishes that local police has the ability to act as immigration agents. The first 287(g) *agreement* between DHS and a state or local law enforcement agency, permitting enforcement of certain federal immigration laws, was signed with the state of Florida in 2007. Therefore, non citizens in Florida are already being directly affected by this policy and are an easier target than non citizens in other states (Migration Policy Institute, 2013, 7). Other states that passed the 287 (g) agreement were Alabama, Arizona, Arkansas, Georgia, Louisiana, Maryland, Massachusetts, Nebraska, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin. I believe the 287(g) *agreement* should not allow local police to act as immigration officers. Local police and immigration officers should be two separate entities in the government, since one is federal and the other is state. Local police should simply do their part as police who are looking to protect the community and not detain people who they think may qualify as immigrants. This makes the community feel as though local police are working for the federal government and not for the cities and towns they live in. Ultimately, this creates a sense of discomfort between the community and the police causing distrust.

Immigration laws have become more restrictive towards immigrants. In 2005 “The *REAL ID Act* (119 Stat. 302) established statutory guidelines for removal cases, expanded terrorism-

related grounds for inadmissibility and deportability, included measures to improve border infrastructure, and required states to verify an applicant's legal status before issuing a driver's license or personal identification card that may be accepted for any federal purpose" (Migration Policy Institute, 2013, 5). The *Real ID Act* further supported the terrorist mentality gained after the tragedies of September 11, 2001. It made it difficult for non citizens to obtain a license and gain freedom in their daily lives, since it further prevented them from driving. This is an issue since many individuals require a license to drive to work. If this is not possible, it makes it difficult to find transportation to their jobs. This can prevent mobility and could potentially cause individuals to struggle to get to jobs, making it difficult to obtain an income.

The United States government continues to look for ways to criminalize undocumented immigrants. In 2005 the "DHS and DOJ launch *Operation Streamline* in Del Rio, Texas. Through the program, the government files criminal charges for crimes such as illegal entry and illegal reentry against virtually all non citizens apprehended, at the southern border, for entering the country without authorization. Operation Streamline is eventually expanded to parts of five additional Border Patrol sectors along the US-Mexico border" (Migration Policy Institute, 2013, 7). This process initiates a more intense criminalization of immigrants crossing the border and created a divide between the United States and Mexico. Before Operation Streamline was created, Border Patrol officials would either return first-time unauthorized immigrants to their home countries or place them in the civil immigration system for removal. Under Streamline's zero-tolerance policy; however, officials within districts implementing the program must meet their quotas of referring unauthorized persons to criminal prosecution. This created a climate where non citizens do not have a fair trial and are automatically tried as criminals (Nazarian, 2011, 1404). Undocumented immigrants often times do not have a chance for due process and

they are not represented, having to represent themselves. Furthermore, “The House passes the *Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005*, which seeks to address illegal immigration with increased interior enforcement and border security measures and most notably criminalizes violations of federal immigration law, including unlawful presence. Known as the Sensenbrenner bill, after its sponsor, the legislation is not considered in the Senate; it serves, however, as the spark for major immigrant-right rallies in cities across the United States in 2006” and allows for a space that is welcoming to undocumented immigrants (Migration Policy Institute, 2013, 7).

Arizona is best known for its anti-immigration ideologies. In 2007, “Arizona enacts the *Legal Arizona Workers Act* (LAWA), becoming the first state to require that all state employers use the federal E-Verify program to confirm that new employees are authorized to work. Though the law was immediately challenged in federal court, the US Supreme Court ultimately upholds its constitutionality in the 2011 decision *Chamber of Commerce v. Whiting*” (Migration Policy Institute, 2013, 7). Another consequence of law was the “participation in the 287(g) program grew significantly, as the federal government signs 26 new cooperative 287(g) agreements allowing designated state and local law enforcement officers to participate in immigration enforcement. ICE signs an additional 28 such agreements in 2008” (Migration Policy Institute, 2013, 7). This allowed for local law enforcement to stop, detain, and report back to ICE on an individual's immigration status, empowering local law to act as federal law officers. Although the 287(g) is present in different counties in Arizona, Arkansas, Florida, Georgia Louisiana, Maryland, Massachusetts, Nevada, New Jersey, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, sanctuary cities also exist. Sanctuary cities are cities that have “arguably constructed membership for undocumented immigrants located within their

jurisdiction” (Villazor, 2010, 576). Sanctuary cities serve as a place of protection for immigrants, they are a place that prevents “city government employees from asking or reporting the immigration status of individuals they encounter to federal immigration authorities unless such individuals have been detained for committing a felony” (Villazor, 2010, 576). Due to the fact that sanctuary cities protect undocumented individuals, the 287(g) Act would not be welcome in the thirty-two sanctuary cities throughout the United States (Griffith, Vaughan, 2017). By September 29, 2009 , the *Secure Communities* program is in 88 jurisdictions within 9 states: Arizona, California, Florida, Massachusetts, North Carolina, New Mexico, Pennsylvania, Texas, and Virginia (ICE). The program uses new technology to screen the fingerprints of individuals arrested in state and local jails against the Automated Biometric Identification System (IDENT), the DHS database that tracks immigration history, at the same time that their fingerprints are run against the Integrated Automated Fingerprint Identification System (IAFIS), the FBI database that tracks criminal history. Successive Congresses, and both the Bush and Obama administrations, provide continued support for Secure Communities. “Secure Communities was promoted by the federal government as a crime-fighting program that would make communities safer by deporting serious criminals” (Eagley, 2017, 23). This program was said to aim for those involved in serious crimes, but it actually targeted immigrants who were not involved in crime, making it easier for the federal government to place immigrants in detention centers and deport them. For this reason, the Secure Communities program is not beneficial to immigrants living in the United States. Instead, it uses its power to target as many immigrants as possible in order to send them back to their home countries. Ultimately, it does not matter whether an immigrant has been charged for a misdemeanor or aggravated battery. These individuals still fall in the “serious crimes” category. By August 2012, the program was operational in 97 percent of all state and

local jurisdictions nationwide. ICE launched a series of highly visible worksite enforcement operations at businesses suspected of hiring large numbers of unauthorized immigrants. The most controversial of these actions occurred in Postville, IA, in 2008 where immigration officers arrested 389 unauthorized immigrants at the Agriprocessors meatpacking plant. Federal officials label the action as “the largest criminal worksite enforcement ever in the United States” (Migration Policy Institute, 2013, 8). Those that were caught were automatically arrested and set for deportation without a fair trial. In 2011, “ICE Director John Morton issued a *memorandum outlining the agency’s use of prosecutorial discretion* and urging agents to prioritize the use of immigration enforcement resources to target non citizens who have committed serious criminal offenses” (Migration Policy Institute, 2013, 8). This memorandum supported the 287(g) law, continuing to empower local law enforcement.

Criminality and Immigrants

Immigrants are presumably more likely to commit crimes than non-immigrants. Nationally, when immigration increases, crime increases as well. Mears describes this as not being the case. Ironically, his research suggests that immigrants are less likely, not more likely than non-immigrants, and that immigration rates are largely un-associated to crime (Mears, 2002). He discusses theories that point to higher crime rates in individuals in general. For example, Mears talks about social disorganization theory which highlights that in highly disorganized areas with high residential rates, residents do not develop a sense of shared values. This suggests that when individuals face few prospects to achieve social goals legitimately, they will turn to illegitimate goals, such as crime to do so. This theory helps put into perspective the neighborhoods and populations that individuals believe have higher crime rates. When applying the social disorganization theory, to immigrant families, immigrants typically move to

neighborhoods that tend to be more highly disorganized. They face many social and cultural barriers as they attempt to assimilate into U.S. society. For this reason, many individuals may believe that immigrants are more prone to crime, since they live in lower income communities. The social disorganization theory assumes that one common living goal for all residents is to live in a community that is safe. This also applies to offenders, since they do not want to continue being victimized (Rose, 1998, 443). The theory mainly focuses on the idea that crime is prevalent in communities with poverty, residential mobility, ethnic heterogeneity, and structure density. Communities with higher social capital help exert more control over individual residents, resulting in helping produce more highly educated, employable, and productive members of the community. Neighborhoods with lower social capital are neighborhoods conducive to crime are characterized as communities with individuals who are undereducated, unemployed, and more likely to commit a crime. For example, in Little Village, Chicago there is an educational attainment rate of 59.1% meaning that these individuals have an education that is less than high school. There is also a percentage of 38.1% of individuals below the poverty level (citdata). According to this information, there is lower social capital in Little Village, Chicago and therefore, under this theory, this would be considered a neighborhood with more crime.

The U.S. Congress has played a significant role in the process of creating crimmigration. Juliet Stumpf (2011) analyzes how Congress has steadily expanded the scope of criminal conduct that underlines the grounds for exclusion and deportability. She gives an example, “deportation based on commission of an “aggravated felony” has expanded from the original three grounds - murder, drug trafficking, and firearms trafficking- to an alphabet soup of crimes of lesser gravity” (Stumpf, 2011, 1727). Congress has also worked towards expanding the variety of crimes involving controlled substances that have come to carry immigration consequences in

addition to criminal punishment. As Congress swept more immigration-related conduct into the criminal realm, the executive branch stepped up criminal enforcement of immigration violations. The numbers increased significantly that by 2005, immigration-related matters represented the single largest group of federal prosecutions, outstripping drug and weapon prosecutions (Stumpf, 2011, 369). A great example of the expansion of criminal immigration violations is seen through the *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, which expanded the aggravated felonies. For example, obtaining a DUI, getting pulled over while driving, or simply getting into any trouble that could potentially involve police. Non citizens are aware of their surroundings and their actions. This discourages them from becoming involved in situations that could potentially turn into a crime.

Similarly, Ingrid V. Eagly (2013) describes the ways in which immigrants are constantly being treated unfairly in the crimmigration system. Criminals identified during criminal arrests, such as “repeat immigration violators” and “fugitive from warrants,” now constitute a full ninety percent of all persons removed from the country (Eagley, 2013, 1128). Both Stumpf and Eagly establish that the criminal justice side of immigration is unfair. Similar to Vazquez’ definition of “criminal alien,” Eagly also defines an immigrant that is part of the criminal justice system. These individuals are called criminal aliens. An alien is any person who is a non citizen. A criminal is any person who has been convicted in the court. A “criminal alien” is a noncitizen convicted of a crime. The majority of those convicted of crimes are convicted through plea bargaining rather than trial, making it more difficult to receive a fair conviction. Eagly states, “in recognition of plea bargaining’s dominance, the Supreme Court’s 2010 *Padilla v. Kentucky* decision solidified the Sixth amendment obligation of defense counsel to advise noncitizen defendants of the potential immigration consequences of guilty plea” (2013,1151).

Immigrant communities experience a higher degree of policing. For example, according to the Immigration Policy Center, “between 1990 and 2013, the foreign-born share of the U.S population grew from 7.9 percent to 13.1 percent and the number of unauthorized immigrants more than tripled from 3.5 million to 11.2 million. During the same period, FBI data indicated that the violent crime rate declined 48 percent - which included falling rates of aggravated assault, robbery, rape and murder. Likewise the property crime rate fell 41 percent, including declining rates of motor vehicle theft, larceny/ robbery, and burglary” (2017). Yet, studies have found that more immigration does not necessarily mean more crime is associated in the neighborhood. For example, she states, “the majority of academic research in this area has analyzed whether foreign-born individuals are overrepresented in the United States prison populations. Such studies have consistently found that foreign born groups have a lower crime rate than natural-born groups” (Eagly, 2013, 1202). The research which Eagly refers to was conducted by Ruben G. Raumbaurt (2006), who studied the likeliness of incarceration between foreign-born and native-born men using the 2000 Census. Raumbaurt finds that most crimes are committed among island-born Puerto Ricans, who are not immigrants as such since they are US citizens by birth and can travel to the mainland as natives (Raumbaurt, 2006, 5). Raumbaurt states, “of particular interest is the finding that the lowest incarceration rates among Latin American immigrants are seen for the least educated groups: Salvadorans and Guatemalans (0.52 percent), and Mexicans (0.70 percent). These are precisely the groups most stigmatized as “illegals” in the public perception and outcry about immigration . . . thus, while incarceration rates are found to be extraordinarily low among immigrants, they are also seen to rise rapidly by the second generation” (2006, 5). Supported by Raumbaurt’s research, Eagly brings up the idea that immigrants are not more heavily associated with crime (Eagly, 2013).

Similar to Eagly and Raumbaurt, Jorg L Spenchuk (2013) explores how immigration is tied into crime rates. Specifically Spenchuk explores the economic theory of crime. He argues that the expected costs for committing a crime are arguably higher for immigrants than for non-immigrants. The higher costs entail the same set of punishments as those born in the United States, but also being subject to deportation. Furthermore, Spenchuk argues that although immigrants are more heavily punished and suffer more severe consequences than United States born citizens, crime in immigrant neighborhoods is not prominent. Instead, immigration may be associated with positive spillover effects as they may move into an area and improve their neighborhoods by bringing social capital that is otherwise lacking. In this context, social capital is when undocumented migrants contribute to their community through employment. To further understand social capital, “the effects of social capital on wages are greater for undocumented than documented migrants, reflecting the more tenuous labor market position of the former. These results confirm and extend social capital theory and underscore the importance of social networks in understanding the determination of migrant earnings” (Aguilera, Massey, 2003, 671). Undocumented migrants’ social capital may turn into something of value, which helps the communities they may be working in. Sociologist Robert J. Sampson states, “cities of concentrated immigration are some of the safest places around, immigrants as a group tend to be highly motivated, goal-driven individuals who have little to gain by running afoul of the law” (Immigration Policy Center, 2017, 4). Therefore, they are likely to contribute to society more than criminal acts.

Amada Armenta (2016) explains the racialization of Latinos in the criminal justice system. She argues “that local law enforcement agents racialize Latinos by punishing illegality through their daily, and sometimes mundane, practices” (Armenta, 2016, 1). Armenta argues that

research is beginning to show that restrictive immigration policies are now the primary mechanism through which Latinos are excluded and racialized in the United States. She makes it clear that “Latinos’ vulnerability to deportation does not stem from federal immigration alone; rather, a system of state and local law enforcement practices converge to reinforce Latino’s subordinate status in the racial hierarchy” (Armenta, 2016, 2). As a Mexican-American woman Armenta did “ride alongs” with officers in Nashville. She was able to witness the ways in which the 287(g) law was implemented and allowed for the police to act as ICE. Her research found that “police interpret their practices through colorblind lenses.” A police officer she interacted with said, “he is not “looking” to punish Latinos, but he “has to” arrest Latinos because sometimes they do not have sufficient identification” (Armenta, 2016, 8). Armenta’s study found that local law enforcement acted as CBP. I agree with Armenta, since local enforcement is encouraged to act as CBP with the 287(g). Police are prone to look for individuals that may resemble an undocumented immigrant or racially profile. In many occasions, they are biased towards individuals that have darker skin and may look like the stereotypical Latino that American society depicts. This behavior does not come as a surprise, since police have been encouraged to detain non-white individuals. The program allows jail employees to screen immigrant arrestees for immigration violations and process them for deportation. “Between 2007 and 2011, the Davidson County Sheriff’s Office (DCSO), which plays a huge part in Nashville’s remigration system, identified 8,400 immigrants for removal. Almost 80 percent of those identified for removal were arrested for misdemeanors, and 60 percent were arrested for traffic violations” (Armenia, 2016, 5). The Sheriff’s office said that deportable immigrants came from sixty-one different countries, but ninety-eight percent of them were from Mexico and Central America (Armenia, 2016, 6).

Charis E Kubrin and Hiromi Ishiza Wa (2000) demonstrate that immigrants do not contribute to crime as much as citizens. This study conducts research in two major cities, Los Angeles and Chicago. “They found that immigrant neighborhoods are less disadvantaged than Los Angeles. Levels of joblessness, family disruption, and poverty are greater in Los Angeles immigrant neighborhood” (Kubrin et al, 2000, 160). In Chicago, they found that neighborhoods with high levels of immigrants are especially likely to enjoy a reduced crime rate. Kubrin and Ishza Wa quote a 2000 review essay done for the National Institute of Justice by Martinez and Lee, which states, “the major finding of a century of research on immigration and crime is that immigrants . . . nearly always exhibit lower crime rates than native groups” (Kubrin et al, 2000, 496). This only further supports the position that immigrants are not major contributors to crime in the United States.

Christopher J. Lyons, Maria B. Velez, and Wayne A Santoro (2013) discuss how immigrants are tied to crime because of social organization. Their research mainly focuses on the ways social organization has proven to impact crime and immigration. In their study, they measured the predicted values for cross-level interaction between minority political incorporation, neighborhood concentration, and homicide. They also found that “neighborhood homicide decreases as immigrant concentration increases and that inverse relationship is most notable in cities with greater political incorporation of . . .Latinos in municipal offices” (Lyons et al, 2013, 620). They also showed that “neighborhood robbery decreases as immigrant concentration increases and that this relationship is most precipitous in cities with formal policies that limit the enforcement of immigration laws” (Lyons et al, 2013, 620). Their findings made it evident that “neighborhoods with large shares of immigrants often have lower levels of violence and drug-related crime than do similarly situated areas with fewer immigrants” (Lyons et al,

2013, 606). According to social organization, larger immigrant concentration reduces violence. This is known as the “immigrant revitalization perspective” (Lyons et al, 2013). Immigrants help fortify social organization by having close families and neighbor relations. Additionally, they have strong connections with churches, schools, institutions, and immigrant-focused agencies. This dynamic allows for immigrants to be more present in the community as well as organize events that keep members well informed. Since immigrants typically settle in poor communities, they tend to bring economic influence to communities, helping develop urban cores (Lyons et al, 2013).

In recent years, crimmigration has become incorporated into the United States, since it is a new type of law that brings the criminal system and immigration system together. Due to its recent emergence, there has been a lack of academic research on information involving crimmigration. These previous sections detail an introduction to crimmigration law and how it affects both immigrants, as well as, natural born citizens, and a history between these two groups. More specifically, I investigate these interactions through a number of laws that have unjustly criminalized immigrants and made their lives more difficult. These effects include a rise of Minuteman activity and a militarized border encouraged by federal government. In my next chapter, I will continue to discuss the effects of crimmigration, focusing on Little Village, in Chicago. In this neighborhood, there is a lack of information on the relationship between crime and immigration. In turn, I have conducted surveys partnering with different community organizations to obtain information about the relationship between crime and immigrants in the Little Village community.

Chapter 3: Data Collection & Methodology

For the past sixteen years, I have grown up in the low-income community of Chicago with a high concentration of undocumented people, Little Village also known as *La Villita*. As a person of color with undocumented immigrant parents, I have become aware of Immigration and Customs Enforcement (ICE) in my community. As their daughter, I constantly find myself thinking about ways in which they too could be detained by ICE. I have experienced many first hand accounts of ICE raiding local establishments in our neighborhood. For example, in 2008 ICE raided the Discount Mall on Kedzie and 26th Street. ICE was accusing undocumented individuals of selling fraudulent documents in the establishment. Hearing about this raid initially peaked my interest in the criminalization of undocumented individuals in *La Villita*. Growing up, I would often hear stories on the news of immigrants being detained. One of the stories that especially caught my attention was the story of Elvira Arellano, an undocumented woman in Chicago who sought sanctuary in a church. By hearing about these things happening in the Little Village community and in Chicago, I was able to relate it to the demographics represented in my community and their interactions with immigration laws and ICE. According to Enlace Chicago, 84% of the residents living in *La Villita* are Latinos and 12% are African American (Enlace). I pondered whether raids occurred often or if it was a situation that occurred every few years. Although I was only in elementary school, I wanted to know answers to my questions about raids and undocumented immigrants in *La Villita*. Once in college, I was given the opportunity to conduct my own research and already knew this would be my topic. After some preliminary research I found a lack of data on this topic and knew I would write my thesis on the criminalization of undocumented immigrants in *La Villita*.

This chapter will outline the creation of the survey, the challenges I faced in collecting surveys, and the approval I had to obtain to conduct my surveys. I will also give a profile of the participants surveyed and discuss the statistical properties of my sample.

Survey

Since there is relatively little data available on undocumented immigrants, I decided to collect my own data. While constructing the survey; I received help from my thesis advisor, Professor Carolyn Tuttle, as well as my Spanish professor, Professor Gizella Meneses, my cousin Marcela and the Human Subjects Review Committee at Lake Forest College. The ultimate goal was to create a survey that would allow for individuals to understand and feel comfortable answering questions about the treatment of immigrants. I gave my initial draft of questions to Professor Tuttle to revise; who surveyed 620 women working in the *maquiladoras* in Nogales, Mexico. The survey needed to be concise so that people would not feel it took up too much of their time. We decided that the survey would have ten questions – refer to Appendix 1, six questions would be personal and the other four would ask about experiences with the police and border patrol. In one of the six demographic questions I ask, “What is your status in this country?” Due to Professor Meneses past experience working with undocumented individuals, I asked her what was the best way to phrase this question. The question is referring to citizenship status. She advised me and said that it should remain the same and “What is your status in this country?” would be a proper way of phrasing the question. By having the question phrased this way, it allows for individuals to not feel threatened or uncomfortable. For example, if I would ask “Are you undocumented?” or “Are you an American citizen?” I would be providing leading questions that might make the individuals taking the survey believe that they are being directed on how to answer. Asking questions like those would also be insensitive. By saying, “What is

your status in this country?” I am providing a neutral question that gives the individual the ability to answer as they wish.

Initially, in the description of the survey, I was going to say that the survey was for males and females. After careful review, Marcela suggested that I say that it is for members of the community, since it is more inclusive. I changed the description portion of the survey to be more inclusive. In addition to targeting individuals eighteen years of age or older, I wanted to have a separate survey for gang members in the community. There are two rival gangs in *La Villita*, the Latin Kings and Two Six. For this reason, it is easy for young members of the community to become involved with them. Gang members are also criminalized in *La Villita*. I wanted to see how being a gang member in the community correlates with being undocumented and being criminalized. Therefore, I also worked with Professor Tuttle in creating a survey specifically for gang members. This survey is twelve questions with seven demographic questions and five questions that ask about their interactions with police or border patrol – see Appendix 2.

Throughout the process of surveying individuals, I was only able to obtain one survey from a gang member. Due to the lack participants, I decided not to include it in the analysis of my data. If I were to include this survey, the participant would be identifiable, which is unethical. Lastly, in order for me to conduct surveys of individuals, I had to obtain approval from the Human Subjects Review Committee at Lake Forest College. They were able to guide me through the areas that needed clarification and make sure that it was clear for the public. In order for the survey to be pertinent, I had to make sure that it was completely anonymous and confidential so as not to compromise anyone’s identity. I created an Informed Consent form, in both English and Spanish, which explains the purpose of the study, study procedures, risks, benefits, confidentiality, voluntary participation, and consent – see Appendix 3.

In order to collect my data, I created an online Google form with the survey. By having the survey online it would give more privacy to those who would be filling the survey out. Due to the fact that not all individuals have access to the Internet or have a computer, I was only able to obtain three surveys online, including the gang member survey. In order to acquire surveys online, I asked individuals that I knew in the community, including family members and friends, if they would like to take the online survey. I sent out a total of ten surveys online and only got a response from two individuals. Since this was not successful due to lack of Internet access or computer access, I decided that the remaining surveys would be done on paper. In pursuance of participants to take the survey, I reached out to organizations in the community. In total, I contacted seven different organizations. These organizations include Latinos Progresando (<https://latinospro.org/>), ENLACE Chicago (<http://www.enlacechicago.org/>), El Valor (<https://elvalor.org>), Telpochcalli Community Education Project (www.tcepchicago.org), Iglesia Nueva Vida (<http://www.newlifebilingualchurch.com/>), Universidad Popular (<http://www.universidadpopular.us/>), and Erie Neighborhood (<https://www.eriehouse.org/>). Latinos Progresando notified me that they could not help me with my research at the time and I never heard back from El Valor and Erie Neighborhood. I worked with Enlace that seeks to fight against the systemic depression that members from *La Villita* face, they provide legal services, extra curricular activities, and are involved in violence prevention. Pan de Vida provides free food for low income families and individuals, and Iglesia Nueva Vida is a religious organization that seeks to help those in *La Villita* through religious services, partnering with other organizations, and providing a space for the community to come together. Through them, I was able to attend different groups that they host in their building. For example, Iglesia Nueva Vida connected me with a zumba class, where the participants could choose to take the survey after

their workout. Through Enlace, I attended a legal clinic where clients also took surveys prior to receiving legal consultation from the organization. Ultimately, I asked all individuals present in the room if they would like to participate despite their status in the country. Participation was completely voluntary and those present in the room could choose to opt out. In total, there were seventeen individuals that decided to not participate in the survey. Seventeen out of fifty five participants decided not to partake in the the research. Sixty-three percent of the participants chose to take the survey. According to Duncan D. Nulty, “response rates of 60% or more are both desirable and achievable” (Nulty, 2008, 306).

The main challenges that I faced while creating and conducting the survey were obtaining approval from the Human Subjects Review Committee at Lake Forest College, receiving responses from organizations I reached out to, and obtaining online surveys – refer to Appendix 3. The Human Subjects Review Committee wanted to make sure the survey was not obtaining any information that could put the participants at risk compromising their safety in an anti-immigrant climate. The Human Subjects Review Committee also wanted me to obtain most of the surveys online through the Google form to eliminate the possibility of identifying individuals. Many of the participants might not have access to a computer or Internet, so this was difficult to do. For this reason, the majority of my surveys were done in person and on paper. Aside from participants having limited access to a computer or Internet, I also had difficulty contacting community organizations and receiving responses. I initially sent an email and followed up by going to visit these organizations in person. When I visited organizations in person, I would explain to them about my research and surveys. They would often respond telling me that they needed to discuss the research with the rest of the organization and would call me once their decision was made. Some of the organizations politely declined that they

could not participate, but some of the organizations, simply, did not follow up. In the future, I hope to be more persistent with these organizations and work on forming relationships with them in advance. After experiencing these challenges, I would focus on obtaining surveys in person rather than trying to conduct online surveys. I know that I have to form closer relationships with local organizations in order to gain their trust, potentially through volunteering and event planning. An organization is more likely to help a researcher if they have a clear understanding of who they are, if they trust them, and why they are doing their research. The last obstacle that I faced while conducting the survey was participants understanding my questions. I specifically found that there was a misunderstanding with the second part of my survey asking about their experience with the police or border patrol. The misunderstanding was that some of the participants did not understand the questions, since they could have been phrased simpler. When this occurred, I explained the question to them differently and asked them if they understood. In the future, I know to word the questions in a way that everyone can understand.

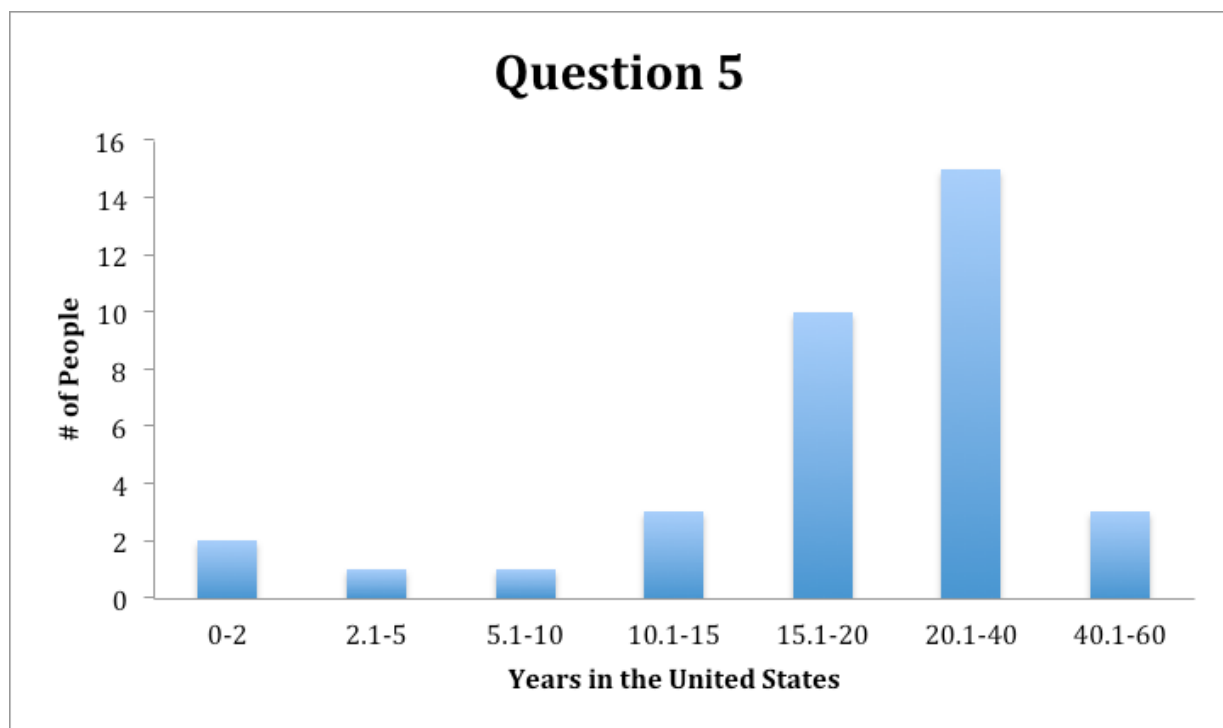
Survey Participants: Demographic Questions

In total, I obtained a sample size of thirty-five surveys, $n=35$. The first question was: What is your age? *Cual es su edad?* Out of the thirty-five surveys, six participants were between ages eighteen and thirty. The remaining participants were between the ages of thirty and seventy-five. The mean age of the participants was 46 years old. This mean does not include the individual that chose not share their age. The second question was: Where were you born? *Donde nacio?* Thirty of the participants were born in Mexico. Two participants were born in the United States. One was born in Guatemala and another participant was born in El Salvador. One of the participants chose not to answer where they were born. Clearly the majority of the sample were immigrants born in Mexico. The third question was: What is your occupation? *Cual es su*

ocupación? The participant's occupations varied. I had one security officer, one instructor, one street vendor, one disabled participant, three participants who were students, five who were unemployed, two retired participants, seventeen individuals who tended to their home, and two individuals who chose not to respond. The fourth question was: Do you live with your family or do they live in another country? *Ud. vive con su familia o viven en otro país?* Twenty nine participants responded by saying they lived with their family, two participants said they lived alone, one said their family lived out of the city, one participant said they lived outside of the USA, one said their family lives in Guatemala and one chose not to respond.

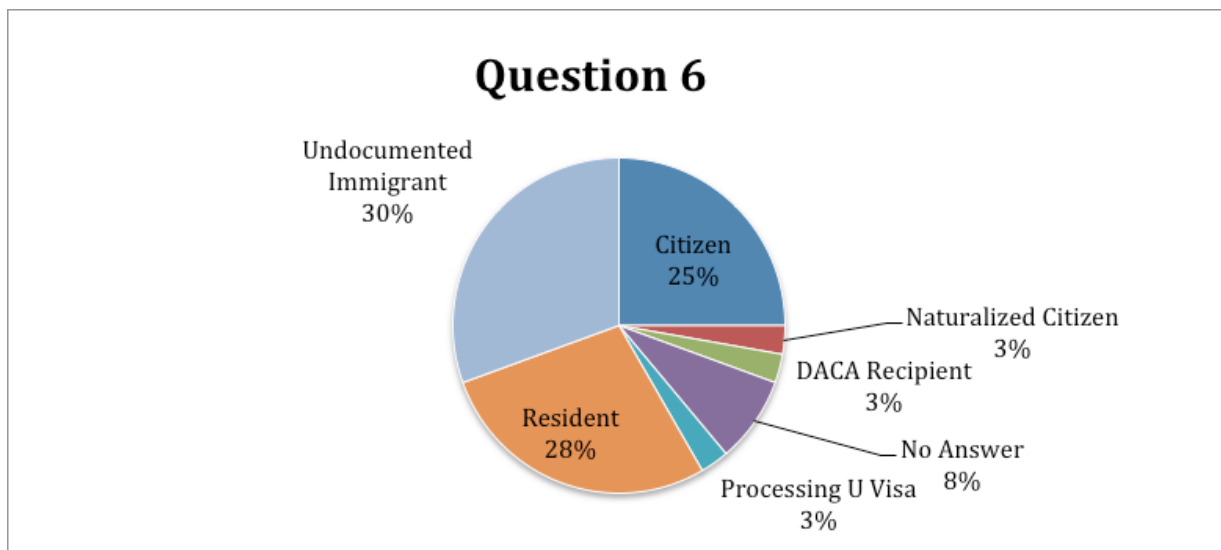
In the fifth question, I inquired about the years each participant had been living in the United States. The mean number of years for all participants was 24 years in the United States, see Figure 1. Some had recently arrived (under two years) while others had lived here more than forty years.

Figure 1: Time Spent Living in the U.S.



As seen in Figure 2, 30% of the participants were undocumented immigrants, 28% were residents, 25% were citizens, 8% did not answer, 3% were processing a U Visa, 3% were naturalized citizens and 3% were DACA recipients. In the sixth question, I inquired about the participants' citizenship and immigration status in this country. The top three categories each made up approximately a third of all my participants.

Figure 2: Citizenship Status



The average participant has lived in the United States for 24 years and the mean age for the participants was 46 years old. The majority of those who participated in the survey were also born in Mexico. Their overall occupations varied, but the majority of those who partook in the survey tended to their home. The majority of the participants lived with their family, while some lived alone. Others had family that lived outside of Chicago and outside of the United States. Based on the answers from the demographic questions, the majority of those who participated were undocumented immigrants. Due to where I conducted surveys, I was not surprised by this information, since Little Village is a destination for many undocumented immigrants from Mexico and other Central American countries. In my next chapter I will analyze the relationship

between citizenship and immigration status and participants' responses to their interactions with police and border patrol.

The sample of participants that partook in this research was not random instead it was selective. It was selective since I asked everyone in each group to participate rather than asking an individual and skipping one then asking another individual. For example, at Pan de Vida, I asked everyone who was in line, one after the other. At the Zumba class, I asked all the women once they were done working out. At the legal clinic, I asked everyone who came into the door to seek legal help. I personally asked participants individually if they would like to take the survey before handing them a survey. I did not get surveys from all groups in Little Village but instead selected six organizations and was only allowed to survey three groups. This research sample is also not representative, since the sample was not random and because I did not have enough data; therefore, I did not look at a representative sample of the population of *La Valletta*. The survey was a sample survey. It only represented a small portion of .046% the population in *La Villita*, rather than the 75,000 individuals of the population (Enlace). Consequently, my conclusion cannot be generalized to the neighborhood of Little Village or other cities with high concentration of undocumented immigrants. Given the information I have gathered with the demographic questions, I can conclude that the majority of those who took the survey were undocumented immigrants and were born in Mexico. In the following chapter, I will analyze responses addressing experiences with the police and border patrol.

Chapter 4: Case Study in Little Village

By conducting my research I wanted to contribute data that would allow for individuals to understand the criminalization that undocumented immigrants experience in *La Villita*, Chicago. Due to the current anti-immigrant climate of the United States, I thought that individuals in *La Villita*, who come in contact with local police or border patrol, would have experienced physical and emotional abuse rather than courtesy and respect.

Undocumented immigrants are criminalized in the United States. Although the United States was founded by immigrants; there have been many laws created to slow down undocumented immigrants progress in the United States and take away their human rights. Undocumented immigrants play an immense part in society. They are taxpayers like any U.S. citizen and they have jobs that involve hard labor and that many other individuals do not want to do. For example, they are farmers, cooks, and construction work, taking on some of the most challenging and laborious jobs in the market. In 1996, the Internal Revenue Service (IRS) created the Individual Tax Identification Number (ITIN). An ITIN is a tax processing number issued by the Internal Revenue Service (IRS) to ensure that people – including unauthorized immigrants – pay taxes even if they do not have a Social Security number and regardless of their immigration status (American Immigration Council, 2018). Undocumented immigrants are still expected to pay taxes despite not receiving any of the benefits they pay for. It is important to analyze the ways that the United States has tried to limit their acceptance into society with the laws highlighted below. There has been a progression of immigration laws since 1902, but I will only be focusing on laws from the 1990s to the present. Due to the growing criminalization of undocumented immigrants Crimmigration Law was created. It is now necessary to talk about the criminalization of undocumented immigrants through this field, since it involved federal involvement such as the U.S. Immigration Customs Enforcement and local police. Laws such as

Proposition 187, Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and USA PATRIOT Act do not allow undocumented immigrants to obtain jobs with better wages and other benefits such as retirement or health care. These laws also establish an anti-immigrant sentiment, since they begin to strip immigrants of their basic human rights, leave them in detention centers, take away their due process in courts, and make them seem like a danger to the United States when associated to terrorists after September 11, 2001. The laws are barriers that prevent undocumented immigrants from obtaining citizenship. In 1994 *Proposition 187* allowed for the California government to deny any individual public benefits if they suspected them to be an immigrant. For example, they could be denied education, social services, and health services. The criminalization of undocumented immigrants has been a growing topic in the United States. The *Illegal Immigration Reform and Immigration Responsibility Act of 1996* “expands the aggravated felonies reform, reforms expedited removal procedures, and reduces the scope of judicial review of immigration decisions” (Migration Policy Institute, 2013, 1). This law made it easier for immigrants to be placed in jail and set up for deportation if drugs were found on them or if they were accused of committing a minor crime. The United States implemented another law that affected undocumented immigrants and foreigners’ entering the country with visas. This law was the *USA PATRIOT Act* after the September 11, 2001 tragedy. This brought about anti-immigrant sentiment and anti-terrorist sentiment in the United States and worldwide. This xenophobic position encouraged the mal treatment of immigrants because they may potentially pose a threat to society. Shortly after, in 2002, the United States also implemented an electronic database to keep track of non-citizen inadmissibility and removability. This further discouraged immigrants in the United States from integrating and assimilating. After years of having laws that slowly try to stop the progression of immigrants in the United States, border patrol and

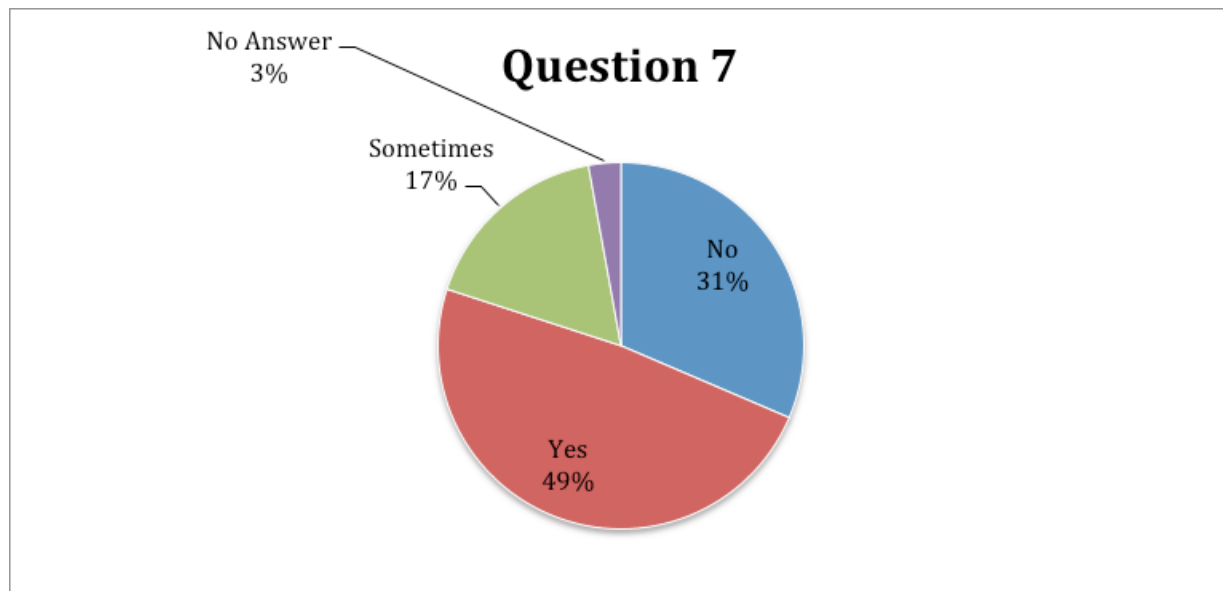
police believe that they can treat immigrants poorly. This affects the ways in which individuals that interact with the police or border patrol feel. For example, a participant said, “*No, yo con la policía no me llevo. No quiero que sean mis amigos.*” “No, I do not get along with police. I don’t want them to be my friends.” This answer shows that this participant wants to stay away from police and does not want to be their friends. They do not say, but it could be due to fear of being treated poorly by police. Another possibility could be that they fear coming in contact with them because of the ways immigrants have been criminalized.

Not only have there been laws that have tried to criminalize undocumented immigrants, but there have also been groups like Minuteman that help to keep the border “safe”. In turn, this has brought more attention to undocumented immigrants crossing the United States – Mexico border. This has resulted in the militarization of the border with the addition of helicopters, guns, walls, agents, and lights (Robert, 2012, 50). These factors help associate undocumented immigrants to negative dogmas. For example, people in the United States think immigrants are criminals solely because they crossed the border, not taking into account that some of them have never committed a crime and that immigration issues are not criminal issues, they are civil issues. The idea of the “initial sin” resurfaces, since it means that by having come into the country without proper governmental permission an undocumented citizen is already considered a criminal. This makes individuals believe that even though undocumented immigrants have not committed a criminal act, immigrants automatically fall under the criminal spectrum. The militarization of the border also influences the way local police treat individuals, since they are automatically seen as a security threat when they are crossing the border.

The second half of the survey asked questions about the participant’s interactions with police or border patrol. After carefully analyzing the responses more participants responded with

a simple “yes” or a “no” rather than with responses that elaborated on their experiences. Therefore, for the participants who chose to elaborate on the answer, I put them in the “yes” or “no” sections depending on whether the sentiment of their answer was negative or positive.

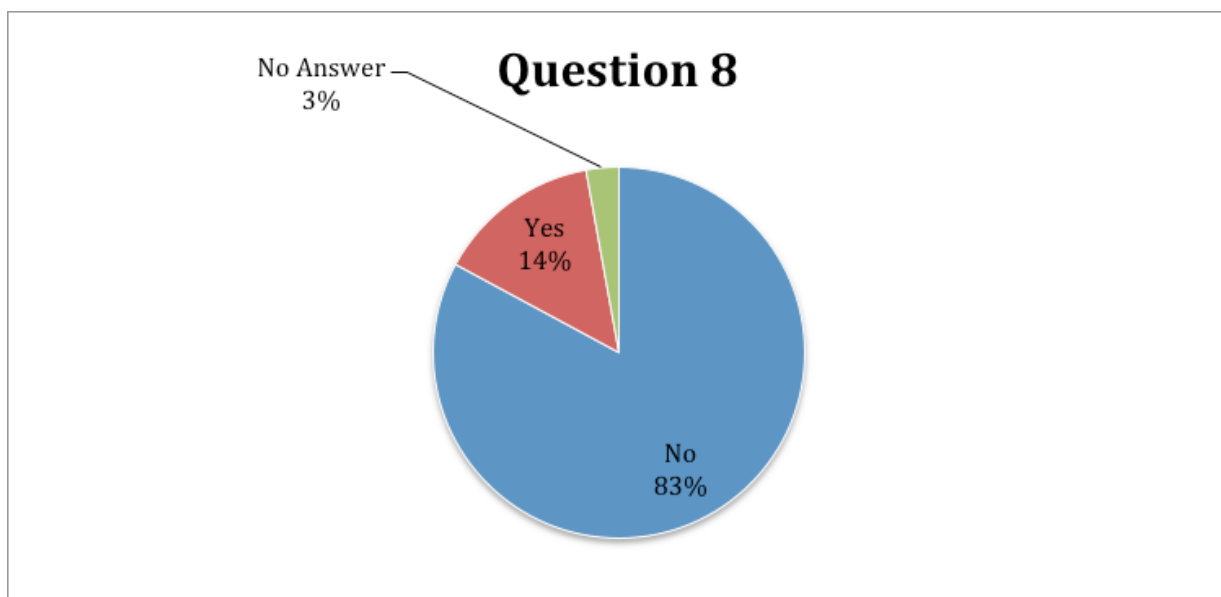
Figure 3: Safety with Law



For the seventh question, have you felt safe when interacting with the law? / *Usted se ha sentido seguro/a cuando ha interactuado con la ley?* Out of the thirty-five individuals who partook in the survey, forty-nine percent responded “yes,” thirty-one percent responded “no,” and seventeen percent said “sometimes,” and three percent chose not to answer the question. The majority of individuals had positive interactions with police rather than negative interactions. For example, in question seven, 37% participants said that they did feel safe interacting with the law. One possibility is that participants gave this answer because they might not have felt comfortable saying they did not feel safe, since they did not see me as someone they can trust or can open up to. In addition to these, two other participants said, “yes, I have not had any problems,” and one said “yes, they do not do anything to me.” These participants were confirming that they have never had any problems with the police and that the police do not do anything to them. I believe

some of them were truthful because they might have never interacted with the police or border patrol, but some may have not felt comfortable enough to share any negative experiences they have had and their feelings of not feeling safe. For this same question, one participant said, “*No me he sentido seguro las noticias no enseñan la policía espanta y no sabemos. No tratan bien a la gente menos a latinos. Ni aqui ni en Mexico.*” This translates to “I have not felt safe. The news does not show, but the police scares and we don’t know. They do not treat people right, especially Latinos. Not here and not in Mexico.” This participant elaborated on their feelings toward police. They said the police is not depicted accurately on the news and that they treat people poorly, especially Latinos. Another participant said, “*si me siento segura ya me conocen.*” This translates to, “yes, I feel safe, they already know me.” This individual elaborated on the fact that the police already knew them and felt comfortable and safe being around them. Although the majority of the participants expressed that they have felt safe there were still a 20% that did not feel safe.

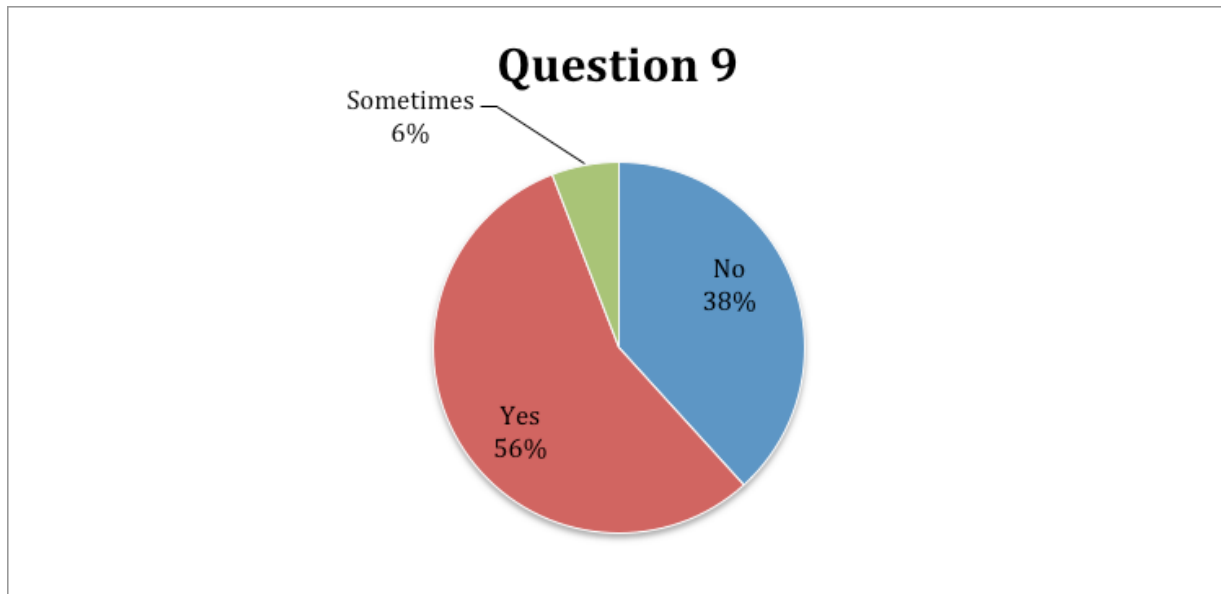
Figure 4: Mistreatment by Police or Border Patrol



The eighth question in the survey was: Have you ever experienced any mistreatment, or disrespect with police officers or border patrol? If so, what happened? / *Ha tenido problemas, maltrato, o no lo/a han respetado oficiales de policía o la migra?*” Eighty-three percent of the participants said “no,” fourteen percent of participants said “yes,” while three percent of participants decided not to answer.

The eighth question inquired about any mistreatment that the participants had experienced with police or border patrol. Eighty-three percent of the participants responded “no” to this question. This means that they had not experienced any mistreatment with police or border patrol. Or they simply chose not to disclose their interactions on the survey being that they felt uncomfortable sharing information due to not knowing me well. One of the participants was a security officer and for this question I thought it was interesting that they said, “yes, just about every time I get stopped by police they speak to me in a disrespectful way (when not in security uniform).” Their response shows that they are treated differently when they are wearing their security uniform, which depicts authority. When they are dressed in regular clothing this is when they experience disrespect. Another participant said, “*Policías si me han maltratado.*” “I have been mistreated by police.” They simply stated that they had been mistreated by police without giving any specifics on how they had been mistreated. Another participant said, “*Nunca me he metido con ellos haci que no.*” “I’ve never messed with them, so no.” In this case, the participant stays away from police and border patrol in order to not interact with them and remain safe.

Figure 5: Positive Experiences with Police or Border Patrol

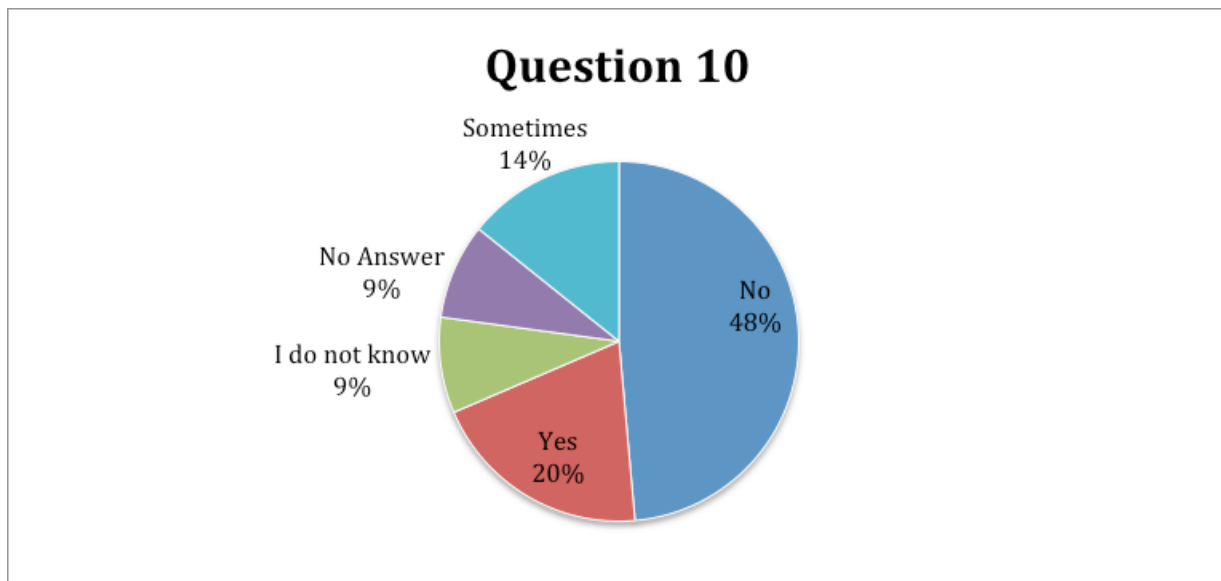


The ninth question was: “Have you ever had any good experiences with police officers or border patrol? / *Ha tenido experiencias buenas con oficiales de policía o la migra?* For this question, thirty-eight percent of participants said “no,” fifty-six percent of participants said “yes,” and six percent of participants said “sometimes.”

The ninth question asked the participants if they had ever had any good experiences with police or border patrol. Fifty-six percent of the participants said they had good experiences with police or border patrol while 38% said they did not. One participant explains, “*No, yo con la policia no me llevo. No quiero que sean mis amigos.*” “No, I do not get along with police. I don’t want them to be my friends.” This participant made it clear that they had no interest in befriending a police officer. Another participant states, “yes I’ve had some officers treat me as an equal and they are usually caucasian.” By saying this they are showing that not all police officers treat them unfairly. Another participant said, “*Primero no he tenido contacto con migración con la policía sí pero todo es bueno.*” “First, I have not had any contact with immigration with the police yes, but everything is good.” This individual had never interacted with border patrol, so

they were not able to share an experience on that, but their interactions with police were good. These responses did not seem accurate to me. The survey touched on a sensitive topic and individuals might have been afraid to give an honest answer despite having read the informed consent. Had the participants known me better, I may have gotten other responses that would have gone into more depth or expressed poor treatment.

Figure 6: Is the Criminal System Just



Finally, the last question was: Based on your personal experience, does the criminal system serve justice to those who are undocumented? / *Basado en si experiencia personal, el sistema criminal le da justicia a los que son indocumentados?* Forty-eight percent of participants responded “no” and twenty percent of participants responded with “yes.” Nine percent of participants said “I do not know,” nine percent of participants did not give an answer and fourteen percent of participants said “sometimes.” Some individuals chose to give simple answers while others chose to elaborate. This could mean that they did not fully trust the questions in the survey and were uncomfortable sharing their experiences with me.

The last question asked the participants if the criminal justice system serves justice to those that are undocumented. Forty-eight percent of the participants said no while 20% said yes. One participant stated, “No. They treat undocumented individuals like criminals and don't care if they separate families. They are placed in detention centers that are in bad conditions and the people are treated unfairly.” Another participant also stated, “No, I strongly believe that for the most part it doesn't.” While another participant said, “*A veces, todo depende de las policías que sean porque hay policías que si ayudan y otros no tal vez porque son Racista.*” “Sometimes, it all depends on the police because there are police that do help and others not so much maybe because they are racist.” Another participant said, “*Las noticias hablan mucho. Ayer vi lo de un joven que lo agarraron saliendo de una corte.*” “The news says a lot. Yesterday I saw a young man who got caught coming out of court.” These participants responded by saying that sometimes police officers are racist and that the news speak for themselves, since they consistently see undocumented immigrants being apprehended and taken into custody. It was interesting that the majority of the participants felt safe, had never been mistreated or disrespected, yet they thought the criminal system was not just towards those that are undocumented immigrants.

As shown in the pie charts some participants chose to elaborate on their responses rather than giving an answer as simple as “yes” or “no.” The data in this sample did not support my hypotheses. Based on the survey as a whole the majority of the participants were undocumented at (30%) followed by residents (with 28%), and then citizens (with 25%.) Overall, 37% of them felt safe when interacting with the law. Sixty-three of them have also never experienced mistreatment from police officers and border patrol. Forty-one percent of them have had good experiences with police officers and border patrol. Twenty-six percent of the participants thought

that the criminal system did not serve justice to those who are undocumented despite them not having had any negative interactions with police or border patrol. This response could be due to the fact that some of them did not see this research as worthy of disclosing sensitive information. Another possibility is that due to the current immigration environment within the United States, they did not feel comfortable opening up about their experiences. Another possibility is culturally based, in Mexican culture, there is a stigma that older individuals do not have to disclose parts of their lives to younger individuals. Due to this stigma, I feel as though some of the participants might have simply seen me as a young researcher, so they did not feel it necessary to provide much information about their lives.

When responding to the questions, the individuals who partook in the survey did not refer to border patrol as much as they did to police officers. One participant states, “*primero no he tenido contacto con migración con la policía sí pero todo es bueno*” which means “first I have not had contact with immigration with the police yes, but everything is good.” This was the only instance in which one of the participants mentioned border patrol. Therefore, the sample survey is more of an analysis with their interactions with police officers rather than border patrol. It is very likely that many of those who took the survey have never interacted with a member of border patrol or they might have decided to not write about their interactions with a member of border patrol if they have had any. Some of them might not have any experience living along the border or interacting with a member of border patrol. Occasionally, there are ICE officers in the community. In *La Villita* there are also no visible ICE officers on a daily basis, so they might not be used to seeing them in the community.

I was surprised that my hypotheses were not supported, since I thought individuals in *La Villita* would experience more criminalization. The literature that I read and analyzed said that

undocumented immigrants contribute less to criminalization in comparison to first generation US Citizens. This is where I can see the correlation between the participant's responses and the research I did. As I continued to carry out my research, I read more about the positive impact that immigrants have to their communities rather than the negative picture that the media paints. Many of the participants who partook in the survey have never had negative interactions with police or border patrol.

With this research, I hope to influence another individual that would like to conduct similar research in another neighborhood in Chicago or any major city within the United States. *La Villita* is home to many undocumented immigrants and it is evident that not many of them felt comfortable elaborating on their responses. Some of them may have not been honest about their interactions with border patrol and with police. This research shows the impact that the current presidential administration has established with their anti-immigrant policies. It simply shows that undocumented immigrants are not willing to disclose personal information relating to immigration status or experiences they have had with police officials or border patrol. If I were to continue this research in the future, I would run into similar limitations that I ran into this time. For example, it would still be difficult to have members of the community open up and elaborate on their responses. Having one on one interviews might be a better option than surveys, since individuals are able to talk to the researcher and this would allow them to open up more if they felt comfortable. The interviews would still remain completely confidential, so that the participants does not have to worry about being identified.

Chapter 5: Conclusion

Given the current political climate it is imperative that we as a society understand criminalization and the ways it has gained importance, especially in the current political climate. In Juliet Stumpf's research, she discusses the ways in which the federal government and the state government have begun to work closely together, since the mid 1990s (Stumpf, 2006, 383). The U.S. Immigration and Customs Enforcement works with local police to obtain information on undocumented immigrants. Once they obtain information about citizenship status in the country ICE can initiate removal proceedings. The Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA) was passed in 19 states. Section 287 (g) shows a clear alliance between the federal and state governments. It gives the local police the power to act as ICE. The Illinois Trust Act refutes section 287 (g), since it makes Illinois a sanctuary state where local police is not required to report to ICE if they arrest an undocumented immigrant. Other sanctuary states that are not required to report to ICE include California, Colorado, New Mexico, Oregon, and Vermont (Griffith, Vaughan, 2017).

Undocumented immigrants are heavily criminalized throughout the United States. Even though a common belief is that immigrants are criminals, scholars have shown that they are less likely to become a criminal in comparison to U.S. Citizens. For example, "the lowest incarceration rates among Latin American immigrants are seen for the least educated groups: Salvadorans and Guatemalans (0.52 percent), and Mexicans (0.70 percent). These are precisely the groups most stigmatized as "illegals" in the public perception and outcry about immigration . . . thus, while incarceration rates are found to be extraordinarily low among immigrants, they are also seen to rise rapidly by the second generation" (Raumburt, 2006, 5). In 1990 there were

2.2% natural born and 1.1% foreign born, in 2000 there were 3.5% natural born and 0.7% foreign born, in 2010 there were 3.3% natural born and 1.6% foreign born incarcerated in the United States (Immigration Policy Center). The idea that immigrants are criminals is heavily outlined by laws that the United States has passed since 1994 and by the September 11, 2001 terrorist attack. Those born in the United States as second generation are more likely to commit a crime than undocumented immigrants. Despite consistently being criminalized, undocumented immigrants contribute to social capital by working and paying taxes with the ITIN number. They are arrested placed in detention centers awaiting deportation – all without due process.

In my case study, I thought that undocumented immigrants in Little Village, Chicago were going to experience more criminalization or mistreatment by border patrol or police. There were a total of 35 participants who partook in this study. Due to a small case sample, I was not able to obtain a full representation of the Little Village population. In addition, rather than expressing that they have experienced criminalization, mistreatment or they have felt unsafe around border patrol or police; the majority of the participants said that they had not been criminalized, they had not experienced mistreatment, and they felt safe. Therefore, this case sample did not support my hypothesis. Out of those who participated, there were more immigrants (30%) and then residents (with 28%), and then citizens (with 25%.) Overall, 37% of them felt safe when interacting with the law. Sixty-three of them have also never experienced mistreatment from police officers and border patrol. Forty-one percent of them have had good experiences with police officers and border patrol. It was interesting that forty-eight percent of the participants thought that the criminal system did not serve justice to those who are undocumented despite them not having had any negative interactions with police or border patrol. This supports the idea that they did not feel comfortable sharing their own personal

experiences, but still believe that the criminal system is not just. I believe that there were factors that contributed to this result. Some of the participants may not have felt comfortable answering truthfully given the anti-immigrant climate we are living in under the Trump administration. Another factor was that they might have thought I was too young and did not trust me, since it is uncommon for young individuals to ask these types of questions to their elders in the Little Village community. Lastly, the participants would have given more elaborate truthful responses if they would have known me and gained my trust better. If this research were continued, I believe it would be more difficult to obtain honest answers, since the anti-immigrant sentiment will continue to grow and undocumented immigrants would not feel comfortable sharing their stories.

If I had more time to conduct my case study, I would give myself more time to reach out to organizations and distribute more surveys. This would allow more time to form closer relationships with organizations. This would allow for me to form a closer bond with each organization, since they would know me on a personal level and would understand why I want to conduct my research on this topic. Having a closer relationship with organizations would allow me to collect more data by obtaining a larger pool of participants. Something that I would also do different would be that I would bring awareness to the community by promoting my research in local meetings or other events that the community attends. I would also reach out to churches in the community and ask them if I could attend their meetings. Being a familiar presence in the spaces that I introduce my research is necessary, since I am covering a sensitive topic that many would only feel comfortable if they knew the organization trusted the individual. Although I was able to see results from only having thirty-five participants, I would like to have a greater number of individuals, so that it is more representative of the population in *La Villita*. I would

also write the questions in a simpler way, so that they can be more easily understood. In addition, I would like to continue this research if I write a dissertation in the future.

Appendix 1: Adult Surveys

Criminalization of Undocumented Immigrants/ *Criminilizacion de inmigrantes indocumentados*

Norma Vargas is conducting this survey to investigate the criminalization of undocumented immigrants in the Little Village neighborhood of Chicago. She will be interviewing a total of 30 community members with a focus on gang members if the individual identifies or is/was affiliated with a gang. Individuals will remain completely anonymous. All information will remain completely confidential.

Norma Vargas está conduciendo esta encuesta para investigar la criminalización de inmigrantes indocumentados en el vecindario de Little Village en Chicago. Entrevistará a un total de 30 miembros de la comunidad con un enfoque en los miembros de pandillas si la persona se identifica o está afiliada a una pandilla. Las personas permanecerán completamente anónimas. Toda la información permanecerá completamente confidencial.

Demographic Questions/ Preguntas Demograficas

1. What is your age?
Cual es su edad?
2. Where were you born?
Donde nacio?
3. What is your occupation?
Cual es su ocupacion?
4. Do you live with your family or do they live in another country?
Ud. vive con su familia o viven en otro país?
5. How long have you lived in the United States?
Cuantos años ha vivido en los estados unidos?
6. What is your status in this country?
Cual es su estatus en este país?

Questions on your interaction with the criminal system/ Preguntas sobre sus interacciones con el sistema criminal

7. Have you felt safe when interacting with the law?
Usted se ha sentido seguro/a cuando ha interactuado con la ley?
8. Have you ever experienced any mistreatment, or disrespect with police officers or border patrol? If so, what happened? *Ha tenido problemas, maltrato, o no lo/a han respetado oficiales de policia o la migra?*
9. Have you ever had any good experiences with police officers or border patrol?
Ha tenido experiencias buenas con oficiales de policia o la migra?
10. Based on your personal experience, does the criminal system serve justice to those who are undocumented?
Basado en su experiencia personal, el sistema criminal le da justicia a los que son indocumentados?

Appendix 2: Gang Members Survey

Criminalization of Undocumented Immigrants/ *Criminilizacion de inmigrantes indocumentados*

Norma Vargas is conducting this survey or interview to investigate the criminalization of undocumented immigrants in the Little Village neighborhood of Chicago. She will be interviewing a total of 30 females, males, and gang members. Individuals will remain completely anonymous. If you have a preference of filling out the survey or having an interview, please let Norma Vargas know your preference.

Demographic Questions/ Preguntas Demograficas

1. What is your age?
Cual es su edad?
2. Where were you born?
Donde nacio?
3. What is your occupation?
Cual es su ocupacion?
4. How long have you lived in the United States?
Cuantos años ha vivido en los estados unidos?
5. Do you live with your family or do they live in another country?
Ud. vive con su familia o viven en otro país?
6. What is your status in this country?
Cual es su estatus en este país?
7. Have you been associated with gangs? If so, how long?
Ha estado asociado con gangas? Si ha estado asociado con gangas, por cuanto tiempo?

Questions on your interaction with the criminal system/ Preguntas sobre sus interacciones con el sistema criminal

8. Have you felt safe when interacting with the law?
Usted se ha sentido seguro/a cuando ha interactuado con la ley?
9. Have you ever experienced any mistreatment, or disrespect with police officers or border patrol? If so, what happened?
Ha tenido problemas, maltrato, o no lo/a han respetado oficiales de policia o la migra?
10. Have you ever had any good experiences with police officers or border patrol?
Ha tenido experiencias buenas con oficiales de policia o la migra?
11. Does the criminal system serve justice to those who are undocumented?
El sistema criminal le da justicia a los que son indocumentados?
12. Have you felt safe when interacting with the law?
Usted se ha sentido seguro/a cuando ha interactuado con la ley?

Appendix 3: Informed Consent

Norma Vargas is conducting this survey to investigate the criminalization of undocumented immigrants in the Little Village neighborhood of Chicago. She will be interviewing a total of 30 females, males, and gang members. Individuals will remain completely anonymous. All information will remain completely confidential.

INFORMED CONSENT

Criminalization of Undocumented Immigrants in Little Village, Chicago

Researcher Contact Information

Norma Vargas
Senior Thesis
Lake Forest College Student
E-Mail: vargasnv@mx.lakeforest.edu

PURPOSE OF STUDY

You are being asked to take part in a research study. Your participation is completely voluntary. You may choose to participate or not. You may choose to stop at any time. You may choose not to answer any question. Before you decide to participate in this study, it is important that you understand why the research is being done and what it will involve. Please read the following information carefully. Please ask the researcher if there is anything that is not clear or if you need more information.

The purpose of this study is to gather information on the criminalization of undocumented immigrants in Little Village, Chicago. In this context, criminalization refers to any negative interaction that an undocumented immigrant has had with a police officer or a member of border patrol. With this information, the researcher hopes to better understand the relationship between community members and law enforcement in Little Village.

STUDY PROCEDURES

Subjects will have the option of filling out the survey provided by the researcher. (Completion of the survey will range from 30-60 minutes depending on the depth of your response.)

RISKS

Because there will be strict measures to protect your privacy, there are no foreseeable risks to subjects participating in this study.

You may decline to answer any or all questions and you may terminate your involvement at any time if you choose.

BENEFITS

There is no direct benefit to you for participating in this study.

CONFIDENTIALITY

Your responses to this survey will be anonymous. Please do not write any identifying information on your survey. Every effort will be made by the researcher to preserve your anonymity including the following:

- No identifying information will be gathered during the survey. You will not be asked your name, family members names, or your address.

All surveys will be confidential. Subjects will not provide names. Instead, the surveys will be associated with a number, for data reference, that subjects will not have access to. Only Norma will use the number to differentiate each survey when she analyzes the data. Subjects will be notified at the beginning of the survey that all of the information is confidential. Norma will quote from the surveys and will use the information to gather general profile information. While quoting she will reference the subject as “subject.” Ex: subjects states “ . . .” Norma will ask for consent in the consent form to allow her to quote them in her research analysis. She will analyze any themes that she finds.

CONTACT INFORMATION

If you have questions at any time about this study, or you experience adverse effects as the result of participating in this study, you may contact the researcher Norma Vargas at vargasnv@mx.lakeforest.edu. If you have questions regarding your rights as a research participant, or if problems arise which you do not feel you can discuss with the Primary Investigator, Norma Vargas at vargasnv@mx.lakeforest.edu. In addition, you should contact the chair of the Lake Forest College Human Subjects Review Committee, Dr. Todd Beer: beer@lakeforest.edu

VOLUNTARY PARTICIPATION

Your participation in this study is completely voluntary. It is up to you to decide whether or not to take part in this study. You are free to withdraw at any time and without giving a reason. Withdrawing from this study will not affect the relationship you have, if any, with the researcher or any organization that informed you about this research. If you withdraw from the study before data collection is completed, your data will be returned to you or destroyed.

CONSENT

I have read and I understand the provided information and have had the opportunity to ask questions. I understand that my participation is voluntary and that I am free to withdraw at any

time, without giving a reason and without cost. I understand that I will be given a copy of this consent form. I voluntarily agree to take part in this study. I voluntarily agree to let the researcher quote me as “subject” in her research analysis. By proceeding to the survey, I have given my consent to take the survey.

CONSENTIMIENTO INFORMADO

Criminalización de inmigrantes indocumentados en Little Village, Chicago

Información de contacto de Reasearcher
Senior Thesis
Norma Vargas
Estudiante de Lake Forest College
E-Mail: vargasnv@mx.lakeforest.edu

OBJETIVO DEL ESTUDIO

Se le pide que participe en un estudio de investigación. Tu participación es completamente voluntaria. Usted puede optar por participar o no. Puede optar por detenerse en cualquier momento. Usted puede optar por no responder a ninguna pregunta. Antes de decidirse a participar en este estudio, es importante que entienda por qué se está realizando la investigación y qué implicará. Por favor lea la siguiente información cuidadosamente. Pregunte al investigador si hay algo que no está claro o si necesita más información.

El propósito de este estudio es reunir información sobre la criminalización de los inmigrantes indocumentados en Little Village, Chicago. En este contexto, la criminalización se refiere a cualquier interacción negativa que un inmigrante indocumentado haya tenido con un oficial de policía o un miembro de la patrulla fronteriza. Con esta información, el investigador espera entender mejor la relación entre los miembros de la comunidad y la aplicación de la ley en Little Village.

PROCEDIMIENTOS DE ESTUDIO

Los sujetos tendrán la opción de llenar la encuesta proporcionada por el investigador. (La realización de la encuesta oscilarán entre 30 y 60 minutos dependiendo de la profundidad de su respuesta.)

RIESGOS

Debido a que habrá medidas estrictas para proteger su privacidad, no hay riesgos previsibles para los sujetos que participan en este estudio.

Usted puede negarse a contestar cualquier o todas las preguntas y usted puede terminar su participación en cualquier momento si usted elige.

BENEFICIOS

No hay beneficio directo para usted por participar en este estudio.

CONFIDENCIALIDAD

Sus respuestas a esta encuesta serán anónimas. No escriba ninguna información de identificación en su encuesta. Todo esfuerzo será hecho por el investigador para preservar su anonimato, incluyendo lo siguiente:

- No se reunirá información de identificación durante la encuesta o entrevista.

o No se le pedirá su nombre, los nombres de sus familiares o su dirección.

Todas las encuestas serán confidenciales. Los sujetos no darán nombres. En cambio, las encuestas se asociarán con un número, para referencia de datos, que los sujetos no tendrán acceso. Solo Norma usará el número para diferenciar cada encuesta cuando analice los datos. Se notificará a los sujetos al comienzo de la encuesta que toda la información es confidencial. Norma citará las encuestas y usará la información para recopilar información general del perfil. Mientras cita, ella hará referencia al sujeto como "sujeto". Ej. ∴ los sujetos dicen, ". . . " Norma solicitará el consentimiento en el formulario de consentimiento para permitirle citarlos en su análisis de investigación. Ella analizará cualquier tema que encuentre.

INFORMACIÓN DEL CONTACTO

Si tiene preguntas sobre este estudio en cualquier momento o experimenta efectos adversos como resultado de participar en este estudio, puede ponerse en contacto con Norma Vargas a vargasnv@mx.lakeforest.edu. Si tiene preguntas sobre sus derechos como participante en la investigación, o si surgen problemas que usted no cree que puede discutir con el Investigador Principal, Norma Vargas en vargasnv@mx.lakeforest.edu. Debería de ponerse en contacto con el presidente del Comité de Revisión de Sujetos Humanos de la Universidad de Lake Forest, Dr. Todd Beer: beer@lakeforest.edu

PARTICIPACIÓN VOLUNTARIA

Su participación en este estudio es completamente voluntaria. Depende de usted decidir si participar o no en este estudio. Usted sigue siendo libre de retirarse en cualquier momento y sin dar una razón. Retirarse de este estudio no afectará la relación que tiene, si existe, con el investigador o cualquier organización que le informó sobre esta investigación. Si se retira del estudio antes de que se complete la recopilación de datos, los datos le serán devueltos o destruidos.

CONSENTIMIENTO

He leído y entiendo la información proporcionada y he tenido la oportunidad de hacer preguntas. Entiendo que mi participación es voluntaria y que soy libre de retirarme en cualquier momento, sin dar una razón y sin costo alguno. Entiendo que se me dará una copia de este formulario de

consentimiento. Yo voluntariamente acepto participar en este estudio. Yo voluntariamente dejo que la investigadora me cite como "sujeto" en su análisis de investigación. Al proceder a la encuesta, he dado mi consentimiento para tomar la encuesta.

Appendix 4: Human Subjects Review Committee: Criminalization of Undocumented Immigrants Proposal

Duration of Research: September 2017 – April 2018

Location of Research: The location of the research will be in the Little Village neighborhood of Chicago.

Investigator: The only investigator is Norma Vargas with the supervision of Professor Carolyn Tuttle.

Description of Research: The goal is to obtain information on the criminalization of immigrants in Little Village. In this context, criminalization refers to any negative interaction that an undocumented immigrant has had with a police officer or a member of border patrol. Norma Vargas will analyze the ways that individuals, in their everyday lives, have experienced criminalization in the United States, from either city police or border patrol agents. Norma will collect online surveys from a total of thirty males, females, and gang members. Norma will survey ten males, ten females, and ten gang members, the gang members are regardless of sex/gender. Norma will try to collect as many surveys as she can online. Due to the possibility that some of the subjects may not have access to Internet, a computer, library card, or cannot afford Internet, if Norma collects less than twenty surveys, she will conduct the same survey she offered online, in person, on paper. The surveys in person will be taken at the corresponding organization that she will be working with, in a private setting. Even if surveys are taken in person, on paper, there will not be a way of identifying whom the subjects are as there will not be any collection of personal information. To ensure safety, she will not go door to door asking members of the community to take the survey. The same process applies to the surveys taken in person as the surveys that are to be taken online. Therefore, subjects will not sign anything and they will consent to taking the survey after they have read the confidentiality agreement and they

choose to proceed onto the survey. Norma will survey subjects from the organizations mentioned below regardless of whether they are undocumented or not. Norma will not know if a subject is undocumented unless they answer the question stated in the survey that says they are undocumented. If they do answer this question, saying that they are, Norma will not know this, as she will not be analyzing the data immediately. Hence, she will not be able to put a face to the writing. Norma will immediately grab the survey, place it in a folder, and put it away. Norma will undertake qualitative analysis from the surveys. She will examine trends in criminalization based off the information that the subjects have given to her. In this case, trends in criminalization refer to the negative and positive interactions that individuals have had with police officers or border patrol agents.

Testing Instruments: The testing instruments will be two surveys for adults and gang members. One survey is for adults both female and male. The other survey is for gang members. The surveys will be administered online through Google forms. Subjects will not be able to be identified, as they will not be signing any part of the survey.

Subjects: Norma Vargas will contact Latinos Progresando, ENLACE Chicago, El Valor, Telpochcalli Community Education Project, Boys and Girls Club, and Erie Neighborhood House in Little Village to obtain recommendations for people to survey. She will get permission to survey individuals. Norma hopes to gather information from individuals that have been affiliated with gangs or are currently affiliated with a gang. All subjects will be eighteen years of age or older. Norma will get in contact with these individuals through Violence Prevention at ENLACE and Telpochcalli Community Education Project, Off-the-Street Club, and Reach Out Community Center, as well as organizations that provide resources and support to gang members in the community. Norma grew up in Little Village and has lived there since she was six years old. She

is familiar with the community and strongly identifies with her Mexican cultural background. She has volunteered with Telpochcalli Community Education Project and has relatives that work in the Violence Prevention office at ENLACE Chicago. In order to ensure that the subjects information is respected by her relatives, she is confident that her relatives in ENLACE Chicago will not break confidentiality because they will sign a confidentiality agreement. All organizations will be required to sign a confidentiality agreement. The confidentiality agreement will accompany the project.

Informed Consent: Subjects will be given a brief description of confidentiality at the beginning of the survey. Their consent will be gathered through an informed consent form that Norma has created for the subjects and is attached to the surveys. They will read the informed consent form before beginning the survey. By proceeding with the survey, the subjects have given consent.

Confidentiality: All surveys will be confidential. Subjects will not provide names. Instead, the surveys will be associated with a number, for data reference, that subjects will not have access to. Only Norma will use the number to differentiate each survey when she analyzes the data. Subjects will be notified at the beginning of the survey that all of the information is confidential. Norma will quote from the surveys and will use the information to gather general profile information. While quoting she will reference the subject as “subject.” Ex: subjects states “. . .” Norma will ask for consent in the consent form to allow her to quote them in her research analysis. She will analyze any themes that she finds.

Risks: Although Norma is asking about immigration status in the United States, she will explain to the subjects that there will not be any way of knowing their identity as they will not provide their name. Therefore, the subjects should not be concerned when disclosing their immigration status, if they wish to in the survey.

Debriefing: Before the subjects complete the survey, they will read that the survey will be used to analyze criminalization in Little Village for her Senior Thesis at Lake Forest College. In this case, criminalization refers to any negative/ positive interaction that an undocumented immigrant has had with a police officer or a member of border patrol. After completing the survey, subjects will be reminded that the information gathered is for Norma's senior thesis. Additionally, Norma will protect her thesis by not allowing open access to it. This will further help protect the subjects' privacy.

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